

By: Lucio III

H.B. No. 2755

Substitute the following for H.B. No. 2755:

By: Oliverson

C.S.H.B. No. 2755

A BILL TO BE ENTITLED

AN ACT

relating to health benefit coverage for general anesthesia in connection with certain pediatric dental services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 1367, Insurance Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. PEDIATRIC DENTISTRY

Sec. 1367.301. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is offered by:

(1) an insurance company;

(2) a group hospital service corporation operating under Chapter 842;

(3) a health maintenance organization operating under Chapter 843;

(4) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844;

(5) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846;

1 (6) a stipulated premium insurance company operating
2 under Chapter 884;

3 (7) a fraternal benefit society operating under
4 Chapter 885;

5 (8) a Lloyd's plan operating under Chapter 941; or

6 (9) an exchange operating under Chapter 942.

7 (b) Notwithstanding any other law, this subchapter applies
8 to:

9 (1) a small employer health benefit plan subject to
10 Chapter 1501, including coverage provided through a health group
11 cooperative under Subchapter B of that chapter;

12 (2) a standard health benefit plan issued under
13 Chapter 1507;

14 (3) a basic coverage plan under Chapter 1551;

15 (4) a basic plan under Chapter 1575;

16 (5) a primary care coverage plan under Chapter 1579;

17 (6) a plan providing basic coverage under Chapter
18 1601;

19 (7) health benefits provided by or through a church
20 benefits board under Subchapter I, Chapter 22, Business
21 Organizations Code;

22 (8) a regional or local health care program operated
23 under Section 75.104, Health and Safety Code; and

24 (9) a self-funded health benefit plan sponsored by a
25 professional employer organization under Chapter 91, Labor Code.

26 (c) This subchapter applies to coverage under a group health
27 benefit plan described by Subsection (a) provided to a resident of

1 this state, regardless of whether the group policy, agreement, or
2 contract is delivered, issued for delivery, or renewed in this
3 state.

4 (d) This subchapter does not apply to a qualified health
5 plan if a determination is made under 45 C.F.R. Section 155.170
6 that:

7 (1) this subchapter requires the qualified health plan
8 to offer benefits in addition to the essential health benefits
9 required under 42 U.S.C. Section 18022(b); and

10 (2) this state must make payments to defray the cost of
11 the additional benefits mandated by this subchapter.

12 (e) If a determination described by Subsection (d) is made
13 as to a qualified health plan, this subchapter does not apply to a
14 non-qualified health plan if the non-qualified health plan is
15 offered in the same market as the qualified health plan.

16 Sec. 1367.302. COVERAGE FOR GENERAL ANESTHESIA. Subject to
17 Section 1360.005, a health benefit plan that provides coverage for
18 general anesthesia may not exclude from coverage general anesthesia
19 services in connection with dental services provided to a covered
20 individual if:

21 (1) the individual is:

22 (A) younger than 13 years of age; and

23 (B) unable to undergo the dental service without
24 general anesthesia due to a documented physical, mental, or medical
25 reason determined by the individual's physician or by the dentist
26 providing the dental care; and

27 (2) the anesthesia is performed and billed separately

1 by:

2 (A) a physician anesthesiologist licensed by the
3 Texas Medical Board; or

4 (B) a dentist anesthesiologist licensed by the
5 State Board of Dental Examiners who holds the permit to administer
6 general anesthesia under Chapter 258, Occupations Code.

7 Sec. 1367.303. COVERAGE NOT REQUIRED. This subchapter does
8 not require a health benefit plan to provide coverage for dental
9 care or procedures.

10 SECTION 2. Subchapter G, Chapter 1367, Insurance Code, as
11 added by this Act, applies only to a health benefit plan that is
12 delivered, issued for delivery, or renewed on or after January 1,
13 2022.

14 SECTION 3. This Act takes effect September 1, 2021.