

By: Johnson of Dallas

H.B. No. 3542

A BILL TO BE ENTITLED

AN ACT

relating to the telephone availability of certain personnel by certain health benefit plan issuers and utilization review agents.

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

SECTION 1. Sections 843.347(c), Insurance Code, is amended to read as follows:

(c) A health maintenance organization shall have appropriate personnel reasonably available at a toll-free telephone number to provide a verification under this section 24 hours a day, every day of the year, including on Saturdays, Sundays, and legal holidays [~~between 6 a.m. and 6 p.m. central time Monday through Friday on each day that is not a legal holiday and between 9 a.m. and noon central time on Saturday, Sunday, and legal holidays~~]. A health maintenance organization must have a telephone system capable of accepting or recording incoming phone calls for verifications during times when personnel are not available due to circumstances beyond the health maintenance organization's reasonable control [~~after 6 p.m. central time Monday through Friday and after noon central time on Saturday, Sunday, and legal holidays~~] and respond [~~responding~~] to each of those calls as soon as possible and in no event later than two hours after the call [~~on or before the second calendar day after the date the call~~] is received.

SECTION 2. Section 843.348(f), Insurance Code, is amended to read as follows:

1 (f) A health maintenance organization shall have
2 appropriate personnel reasonably available at a toll-free
3 telephone number to respond to requests for a preauthorization 24
4 hours a day, every day of the year, including on Saturdays, Sundays,
5 and legal holidays [~~between 6 a.m. and 6 p.m. central time Monday~~
6 ~~through Friday on each day that is not a legal holiday and between 9~~
7 ~~a.m. and noon central time on Saturday, Sunday, and legal~~
8 ~~holidays~~]. A health maintenance organization must have a telephone
9 system capable of accepting or recording incoming phone calls for
10 preauthorizations during times when personnel are not available due
11 to circumstances beyond the health maintenance organization's
12 reasonable control [~~after 6 p.m. central time Monday through Friday~~
13 ~~and after noon central time on Saturday, Sunday, and legal~~
14 ~~holidays~~] and respond [~~responding~~] to each of those calls as soon as
15 possible and in no event [~~not~~] later than two [~~24~~] hours after the
16 call is received.

17 SECTION 3. Section [1301.133\(c\)](#), Insurance Code, is amended
18 to read as follows:

19 (c) An insurer shall have appropriate personnel reasonably
20 available at a toll-free telephone number to provide a verification
21 under this section 24 hours a day, every day of the year, including
22 on Saturdays, Sundays, and legal holidays [~~between 6 a.m. and 6 p.m.~~
23 ~~central time Monday through Friday on each day that is not a legal~~
24 ~~holiday and between 9 a.m. and noon central time on Saturday,~~
25 ~~Sunday, and legal holidays~~]. An insurer must have a telephone
26 system capable of accepting or recording incoming phone calls for
27 verifications during times when personnel are not available due to

1 circumstances beyond the insurer's reasonable control [~~after 6 p.m.~~
2 ~~central time Monday through Friday and after noon central time on~~
3 ~~Saturday, Sunday, and legal holidays~~] and respond [~~responding~~] to
4 each of those calls as soon as possible and in no event later than
5 two hours after [~~on or before the second calendar day after the~~
6 ~~date~~] the call is received.

7 SECTION 4. Section 1301.135(e), Insurance Code, is amended
8 to read as follows:

9 (e) An insurer shall have appropriate personnel reasonably
10 available at a toll-free telephone number to respond to requests
11 for a preauthorization 24 hours a day, every day of the year,
12 including on Saturdays, Sundays, and legal holidays [~~between 6 a.m.~~
13 ~~and 6 p.m. central time Monday through Friday on each day that is~~
14 ~~not a legal holiday and between 9 a.m. and noon central time on~~
15 ~~Saturday, Sunday, and legal holidays~~]. An insurer must have a
16 telephone system capable of accepting or recording incoming phone
17 calls for preauthorizations during times when personnel are not
18 available due to circumstances beyond the insurer's reasonable
19 control [~~after 6 p.m. central time Monday through Friday and after~~
20 ~~noon central time on Saturday, Sunday, and legal holidays~~] and
21 respond [~~responding~~] to each of those calls as soon as possible and
22 in no event [~~not~~] later than two [~~24~~] hours after the call is
23 received.

24 SECTION 5. Section 4201.004(a), Insurance Code is amended
25 to read as follows:

26 (a) A utilization review agent shall:

27 (1) have appropriate personnel reasonably available,

1 by toll-free telephone available 24 hours a day, every day of the
2 year, including on Saturdays, Sundays, and legal holidays~~[at least~~
3 ~~40 hours per week during normal business hours in this state]~~, to
4 discuss patients' care and allow response to telephone review
5 requests;

6 (2) have a telephone system capable, during times when
7 personnel are not available due to circumstances beyond the
8 utilization review agent's reasonable control~~[during hours other~~
9 ~~than normal business hours]~~, of accepting or recording incoming
10 telephone calls or of providing instructions to a caller; and

11 (3) respond to a call made during times when personnel
12 are unavailable due to circumstances described in subdivision (2)
13 as soon as possible and in no event ~~[hours other than normal~~
14 ~~business hours not]~~ later than two hours ~~[the second working day]~~
15 after the call was received~~[the later of:~~

16 (A) ~~the date the call was received, or~~
17 (B) ~~the date the details necessary to respond~~
18 ~~have been received from the caller].~~

19 SECTION 6. This Act takes effect September 1, 2021.