88R10101 RDS-F

By:  Bettencourt S.B. No. 1581

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Texas Health Insurance Mandate Advisory Committee; authorizing a fee.

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

SECTION 1.  Chapter 38, Insurance Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. TEXAS HEALTH INSURANCE MANDATE ADVISORY COMMITTEE

Sec. 38.451.  DEFINITIONS. In this subchapter:

(1)  "Center" means the Center for Healthcare Data at The University of Texas Health Science Center at Houston.

(2)  "Enrollee" means an individual who is enrolled in a health benefit plan, including a covered dependent.

(3)  "Health benefit plan issuer" means an insurer, health maintenance organization, or other entity authorized to provide health benefits coverage under the laws of this state, including a Medicaid managed care organization. The term does not include an issuer of workers' compensation insurance.

(4)  "Health benefits coverage" does not include workers' compensation.

(5)  "Health care provider" means a physician, facility, or other person who is licensed, certified, registered, or otherwise authorized to provide a health care service in this state.

(6)  "Health care service" means a service, procedure, drug, or device to diagnose, prevent, alleviate, cure, or heal a human disease, injury, or unhealthy or abnormal physical or mental condition, including a service, procedure, drug, or device related to pregnancy or delivery.

(7)  "Mandate" means a provision of a bill or joint resolution that requires a health benefit plan issuer, with respect to health benefits coverage, to:

(A)  provide coverage for a health care service;

(B)  increase or decrease payments to health care providers for a health care service; or

(C)  implement a new contractual or administrative requirement.

(8)  "Mandate advisory committee" means the Texas Health Insurance Mandate Advisory Committee established under Section 38.452.

Sec. 38.452.  ESTABLISHMENT OF MANDATE ADVISORY COMMITTEE. The center shall establish the Texas Health Insurance Mandate Advisory Committee to prepare analyses of bills and joint resolutions that would impose new mandates on health benefit plan issuers in this state.

Sec. 38.453.  REQUEST FOR ANALYSIS OF MANDATE. (a) Regardless of whether the legislature is in session, the lieutenant governor, the speaker of the house of representatives, or the chair of the appropriate committee in either house of the legislature may submit a request to the mandate advisory committee to prepare and develop an analysis of a proposed or enacted bill or joint resolution that imposes a new mandate on health benefit plan issuers in this state.

(b)  A request submitted under this section must include a draft of the bill or joint resolution prepared by the Texas Legislative Council or a copy of an act of the Texas Legislature.

Sec. 38.454.  ANALYSIS OF MANDATE. (a) Except as provided by Subsection (b), on receiving a request under Section 38.453, the mandate advisory committee shall conduct an analysis of, as applicable, and prepare an estimate of, as applicable, the extent to which:

(1)  the mandate has increased or decreased or is expected to increase or decrease total spending in this state for any relevant health care service, including the estimated dollar amount of that increase or decrease;

(2)  the mandate has increased or is expected to increase the utilization of any relevant health care service in this state;

(3)  the mandate has increased or decreased or is expected to increase or decrease administrative expenses of health benefit plan issuers and expenses of enrollees, plan sponsors, and policyholders;

(4)  the mandate has increased or decreased or is expected to increase or decrease spending by all persons in the private sector, by public sector entities, including state or local retirement systems and political subdivisions, and individuals purchasing individual health insurance or health benefit plan coverage in this state;

(5)  coverage for any relevant health care service is or was, without the mandate, generally available or utilized; or

(6)  any relevant health care service is supported by medical and scientific evidence, including:

(A)  determinations made by the United States Food and Drug Administration;

(B)  coverage determinations made by the Centers for Medicare and Medicaid Services;

(C)  determinations made by the United States Preventive Services Task Force; and

(D)  nationally recognized clinical practice guidelines.

(b)  If, in conducting an analysis under this section, the mandate advisory committee determines that the committee is unable to provide a reliable assessment of a factor described by Subsection (a), the mandate advisory committee shall include in the analysis a statement providing the basis for that determination.

(c)  In conducting an analysis under this section, the mandate advisory committee may consult with persons with relevant knowledge and expertise.

Sec. 38.455.  REPORT. Not later than 60 days after the mandate advisory committee receives a request under Section 38.453, the center shall prepare a written report containing the results of the analysis conducted by the mandate advisory committee under Section 38.454 and:

(1)  deliver the report to the lieutenant governor, the speaker of the house of representatives, and the appropriate committees in each house of the legislature; and

(2)  make the report available on a generally accessible Internet website.

Sec. 38.456.  FUNDING OF MANDATE ADVISORY COMMITTEE; FEE. (a) The department shall assess an annual fee on each health benefit plan issuer in the amount necessary to implement this subchapter.

(b)  The department shall, in consultation with the center:

(1)  determine the amount of the fee assessed under this section; and

(2)  adjust the amount of the fee assessed under this section for each state fiscal biennium to address any:

(A)  estimated increase in costs to implement this subchapter; or

(B)  deficits incurred during the preceding year as a result of implementing this subchapter.

(c)  Not later than August 1 of each year, a health benefit plan issuer shall pay the fee assessed under this section to the department. The legislature may appropriate money received under this section only to the center to be used by the center to administer the center's duties under this subchapter.

(d)  The commissioner shall adopt rules to administer this section.

Sec. 38.457.  DATA CALL ON ADMINISTRATIVE EXPENSES. (a) Not later than 30 days after receiving a request from the center, the commissioner shall issue a special data call for an estimate of administrative expenses related to a specific mandate.

(b)  The commissioner shall provide the special data call issued under this section to only the five largest health benefit plan issuers affected by the mandate, as measured by a health benefit plan issuer's total number of enrollees.

(c)  A response to the special data call issued under this section is not subject to disclosure under Chapter 552, Government Code.

(d)  A report prepared by the center under this subchapter may not disclose a health benefit plan issuer's individual response to a data call under this section.

SECTION 2.  (a) As soon as practicable after the effective date of this Act, the Center for Healthcare Data at The University of Texas Health Science Center at Houston shall develop a cost estimate of the amount necessary to fund the actual and necessary expenses of implementing Subchapter J, Chapter 38, Insurance Code, as added by this Act, for the first state fiscal biennium in which the mandate advisory committee will operate under that subchapter.

(b)  Not later than January 1, 2024, the Center for Healthcare Data at The University of Texas Health Science Center at Houston shall establish the Texas Health Insurance Mandate Advisory Committee as required by Section 38.452, Insurance Code, as added by this Act.

SECTION 3.  Not later than January 1, 2024, the commissioner of insurance shall adopt rules as required by Section 38.456, Insurance Code, as added by this Act.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.