

By: Johnson of Dallas

H.B. No. 756

A BILL TO BE ENTITLED

1 AN ACT
2 relating to telephone access for certain health benefit plan
3 verifications and preauthorization requests and for utilization
4 review requests.

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

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

8 (c) A health maintenance organization shall have
9 appropriate personnel reasonably available at a toll-free
10 telephone number to provide a verification under this section 24
11 hours a day, seven days a week, including [~~between 6 a.m. and 6 p.m.~~
12 ~~central time Monday through Friday on each day that is not a legal~~
13 ~~holiday and between 9 a.m. and noon central time on Saturday,~~
14 ~~Sunday, and~~] legal holidays. A health maintenance organization
15 must:

16 (1) have a telephone system capable of accepting or
17 recording incoming phone calls for verifications during any period
18 in which personnel are not available due to circumstances beyond
19 the health maintenance organization's reasonable control; [~~after 6~~
20 ~~p.m. central time Monday through Friday and after noon central time~~
21 ~~on Saturday, Sunday, and legal holidays]~~ and

22 (2) respond [~~responding~~] to each of those calls as
23 soon as possible but not later than two hours after [~~on or before~~
24 ~~the second calendar day after the date]~~ the call is received.

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

3 (f) A health maintenance organization shall have
4 appropriate personnel reasonably available at a toll-free
5 telephone number to respond to requests for a preauthorization 24
6 hours a day, seven days a week, including [~~between 6 a.m. and 6 p.m.~~
7 ~~central time Monday through Friday on each day that is not a legal~~
8 ~~holiday and between 9 a.m. and noon central time on Saturday,~~
9 ~~Sunday, and~~] legal holidays. A health maintenance organization
10 must:

11 (1) have a telephone system capable of accepting or
12 recording incoming phone calls for preauthorizations during any
13 period in which personnel are not available due to circumstances
14 beyond the health maintenance organization's reasonable control;
15 [~~after 6 p.m. central time Monday through Friday and after noon~~
16 ~~central time on Saturday, Sunday, and legal holidays~~] and

17 (2) respond [~~responding~~] to each of those calls as
18 soon as possible but not later than two [~~24~~] hours after the call is
19 received.

20 SECTION 3. Section 1301.133(c), Insurance Code, is amended
21 to read as follows:

22 (c) An insurer shall have appropriate personnel reasonably
23 available at a toll-free telephone number to provide a verification
24 under this section 24 hours a day, seven days a week, including
25 [~~between 6 a.m. and 6 p.m. central time Monday through Friday on~~
26 ~~each day that is not a legal holiday and between 9 a.m. and noon~~
27 ~~central time on Saturday, Sunday, and~~] legal holidays. An insurer

1 must:

2 (1) have a telephone system capable of accepting or
3 recording incoming phone calls for verifications during any period
4 in which personnel are not available due to circumstances beyond
5 the insurer's reasonable control; [~~after 6 p.m. central time Monday~~
6 ~~through Friday and after noon central time on Saturday, Sunday, and~~
7 ~~legal holidays~~] and

8 (2) respond [~~responding~~] to each of those calls as
9 soon as possible but not later than two hours after [~~on or before~~
10 ~~the second calendar day after the date~~] the call is received.

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

13 (e) An insurer shall have appropriate personnel reasonably
14 available at a toll-free telephone number to respond to requests
15 for a preauthorization 24 hours a day, seven days a week, including
16 [~~between 6 a.m. and 6 p.m. central time Monday through Friday on~~
17 ~~each day that is not a legal holiday and between 9 a.m. and noon~~
18 ~~central time on Saturday, Sunday, and~~] legal holidays. An insurer
19 must:

20 (1) have a telephone system capable of accepting or
21 recording incoming phone calls for preauthorizations during any
22 period in which personnel are not available due to circumstances
23 beyond the insurer's reasonable control; [~~after 6 p.m. central time~~
24 ~~Monday through Friday and after noon central time on Saturday,~~
25 ~~Sunday, and legal holidays~~] and

26 (2) respond [~~responding~~] to each of those calls as
27 soon as possible but not later than two [24] hours after the call is

1 received.

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

4 (a) A utilization review agent shall:

5 (1) have appropriate personnel reasonably available,
6 by toll-free telephone 24 hours a day, seven days a week, including
7 legal holidays [~~at least 40 hours per week during normal business~~
8 ~~hours in this state~~], to discuss patients' care and allow response
9 to telephone review requests;

10 (2) have a telephone system capable, during any period
11 in which personnel are not available due to circumstances beyond
12 the utilization review agent's reasonable control [~~hours other than~~
13 ~~normal business hours~~], of accepting or recording incoming
14 telephone calls or of providing instructions to a caller; and

15 (3) respond to a call made during a period described by
16 Subdivision (2) as soon as possible but [~~hours other than normal~~
17 ~~business hours~~] not later than two hours [~~the second working day~~
18 after the call is received [~~later of:~~

19 [(A) ~~the date the call was received, or~~

20 [(B) ~~the date the details necessary to respond~~
21 ~~have been received from the caller~~].

22 SECTION 6. This Act takes effect September 1, 2023.