

By: Hughes

S.B. No. 861

A BILL TO BE ENTITLED

AN ACT

relating to coordination of vision and eye care benefits under certain insurance policies and vision plans.

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

SECTION 1. Chapter 1203, Insurance Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. VISION AND EYE CARE BENEFITS

Sec. 1203.101. DEFINITIONS. In this subchapter:

(1) "Benefit plan" means an insurance policy, vision benefit plan, or vision discount plan described by Section 1203.102.

(2) "Benefit plan provider" means an insurer or other person or entity described by Section 1203.102 that issues or provides a benefit plan.

(3) "Eye care expenses" means expenses related to vision or medical eye care services, procedures, or products.

Sec. 1203.102. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to an insurance policy, vision benefit plan, or vision discount plan that provides or arranges for benefits for vision or medical eye care services, procedures, or products, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, a vision benefit plan, or a vision discount plan offered by:

- 1 (1) an insurance company;
- 2 (2) a group hospital service corporation operating
3 under Chapter 842;
- 4 (3) a stipulated premium company operating under
5 Chapter 884;
- 6 (4) a fraternal benefit society operating under
7 Chapter 885;
- 8 (5) a Lloyd's plan operating under Chapter 941;
- 9 (6) an exchange operating under Chapter 942; or
- 10 (7) a person or entity that provides a vision benefit
11 or vision discount plan.

12 Sec. 1203.103. COORDINATION OF BENEFITS BETWEEN MULTIPLE
13 PLANS. (a) This section applies if a benefit plan enrollee is
14 covered by at least two different benefit plans that provide
15 benefits for eye care expenses.

16 (b) The benefit plan provider to whom a claim for
17 reimbursement for eye care expenses is initially submitted shall
18 reimburse for all eye care expenses covered under the plan up to the
19 full amount of any coverage limit applicable to the covered eye care
20 expenses.

21 (c) A benefit plan provider to whom a claim for
22 reimbursement for eye care expenses is subsequently submitted shall
23 reimburse for all eye care expenses covered under the plan that are
24 not reimbursed by a benefit plan provider to whom a claim for
25 reimbursement was previously submitted.

26 (d) Each benefit plan provider shall provide a summary of
27 eye care expenses accepted and denied under the plan to the enrollee

1 and the practitioner who provided the eye care services. The
2 summary must be accessible online to the enrollee and the
3 practitioner.

4 Sec. 1203.104. CERTAIN COORDINATION OF BENEFITS PROVISIONS
5 PROHIBITED. A benefit plan may not be delivered, issued for
6 delivery, or renewed in this state if:

7 (1) a provision of the plan excludes or reduces the
8 payment of benefits for eye care expenses to or on behalf of an
9 enrollee;

10 (2) the reason for the exclusion or reduction is that
11 eye care benefits are payable or have been paid to or on behalf of
12 the enrollee under another benefit plan; and

13 (3) the exclusion or reduction would apply before the
14 full amount of the eye care expenses incurred by the enrollee and
15 covered by both plans have been paid or reimbursed or the full
16 amount of the applicable coverage limit of the plan containing the
17 exclusion or reduction is reached.

18 Sec. 1203.105. CERTAIN COORDINATION OF BENEFITS PROVISIONS
19 VOID. A provision of a benefit plan that violates this subchapter
20 is void.

21 SECTION 2. The change in law made by this Act applies only
22 to an insurance policy, vision benefit plan, or vision discount
23 plan that is delivered, issued for delivery, or renewed on or after
24 January 1, 2024. A policy or plan delivered, issued for delivery,
25 or renewed before January 1, 2024, is governed by the law as it
26 existed immediately before the effective date of this Act, and that
27 law is continued in effect for that purpose.

1 SECTION 3. This Act takes effect September 1, 2023.