

By: Bettencourt

S.B. No. 1581

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Texas Health Insurance Mandate Advisory Collaborative; 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

COLLABORATIVE

Sec. 38.451. DEFINITIONS. In this subchapter:

(1) "Center" means the Center for Health Care 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.

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

6 (7) "Mandate" means a provision contained in a
7 legislative document that requires a health benefit plan issuer,
8 with respect to health benefits coverage, to:

9 (A) provide coverage for a health care service;

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

12 (C) implement a new contractual or
13 administrative requirement.

14 (8) "Mandate advisory collaborative" means the Texas
15 Health Insurance Mandate Advisory Collaborative established under
16 Section 38.452.

17 Sec. 38.452. ESTABLISHMENT OF MANDATE ADVISORY
18 COLLABORATIVE. The center shall establish the Texas Health
19 Insurance Mandate Advisory Collaborative to prepare analyses of
20 legislative documents that would impose new mandates on health
21 benefit plan issuers in this state.

22 Sec. 38.453. REQUEST FOR ANALYSIS OF MANDATE. (a)
23 Regardless of whether the legislature is in session, the lieutenant
24 governor, the speaker of the house of representatives, or the chair
25 of the appropriate committee in either house of the legislature may
26 submit a request to the mandate advisory collaborative to prepare
27 and develop an analysis of proposed legislation that imposes a new

1 mandate on health benefit plan issuers in this state.

2 (b) A request may not be submitted under this section for an
3 analysis of legislation that has already been enacted.

4 (c) A request submitted under this section must include a
5 copy of the relevant legislative document.

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

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

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

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

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

24 (5) the mandate is expected to reduce:

25 (A) instances of premature death; or

26 (B) economic loss associated with disease;

27 (6) health benefit plans offered in this state

1 currently deny access to a relevant benefit or service;

2 (7) coverage for any relevant health care service is,
3 without the mandate, generally available or utilized; or

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

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

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

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

12 (D) nationally recognized clinical practice
13 guidelines.

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

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

23 Sec. 38.455. REPORT. Not later than 60 days after the
24 mandate advisory collaborative receives a request under Section
25 38.453 or, if the collaborative receives a request under that
26 section during a regular legislative session, not later than 45
27 days after the collaborative receives the request, the center shall

1 prepare a written report containing the results of the analysis
2 conducted by the mandate advisory collaborative under Section
3 38.454 and:

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

7 (2) make the report available on a generally
8 accessible Internet website operated by the center.

9 Sec. 38.456. FUNDING OF MANDATE ADVISORY COLLABORATIVE;

10 FEE. (a) The department shall assess an annual fee on each health
11 benefit plan issuer in the amount necessary to implement this
12 subchapter.

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

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

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

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

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

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

27 (d) The commissioner shall adopt rules to administer this

1 section.

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

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

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

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

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

24 (b) Not later than January 1, 2024, the Center for Health
25 Care Data at The University of Texas Health Science Center at
26 Houston shall establish the Texas Health Insurance Mandate Advisory
27 Collaborative as required by Section 38.452, Insurance Code, as

1 added by this Act.

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

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