

By: Lopez of Cameron

H.B. No. 3140

A BILL TO BE ENTITLED

AN ACT

relating to network adequacy standards for preferred provider benefit plans.

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

SECTION 1. Section 1301.0055, Insurance Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) The commissioner shall by rule adopt network adequacy standards that:

(1) require an insurer offering a preferred provider benefit plan to:

(A) monitor compliance with network adequacy standards, including provisions of this chapter relating to network adequacy, on an ongoing basis, reporting any material deviation from network adequacy standards to the department within 30 days of the date the material deviation occurred; and

(B) promptly take any corrective action required to ensure that the network is compliant not later than the 90th day after the date the material deviation occurred unless:

(i) there are no uncontracted licensed physicians or health care providers in the affected county; or

(ii) the insurer requests a waiver under this subsection;

(2) ensure availability of, and accessibility to, a

1 full range of contracted physicians and health care providers to
2 provide current and projected utilization of health care services
3 for adult and minor insureds;

4 (3) may allow a waiver for a departure from network
5 adequacy standards for a period not to exceed one year if the
6 commissioner determines [~~after receiving public testimony at a~~
7 ~~public hearing under Section 1301.00565~~] that good cause is shown
8 and posts on the department's Internet website the name of the
9 preferred provider benefit plan, the insurer offering the plan,
10 each affected county, the specific network adequacy standards
11 waived, and the insurer's access plan;

12 (4) require disclosure by the insurer of the
13 information described by Subdivision (3) in all promotion and
14 advertisement of the preferred provider benefit plan for which a
15 waiver is allowed under that subdivision; and

16 (5) [~~except as provided by Subdivision (6), limit a~~
17 ~~waiver from being issued to a preferred provider benefit plan:~~

18 [~~(A) more than twice consecutively for the same~~
19 ~~network adequacy standard in the same county unless the insurer~~
20 ~~demonstrates, in addition to the good cause described by~~
21 ~~Subdivision (3), multiple good faith attempts to bring the plan~~
22 ~~into compliance with the network adequacy standard during each of~~
23 ~~the prior consecutive waiver periods, or~~

24 [~~(B) more than a total of four times within a~~
25 ~~21-year period for each county in a service area for issues that may~~
26 ~~be remedied through good faith efforts, and~~

27 [~~(6)~~] authorize the commissioner to issue a waiver

1 ~~[that would otherwise be unavailable under Subdivision (5)]~~ if the
2 waiver request demonstrates, and the department confirms annually,
3 that there are no uncontracted physicians or health care providers
4 in the area to meet the specific standard for a county in a service
5 area.

6 (b) The standards described by Subsection (a)(2) must
7 include factors regarding time and~~[7]~~ distance~~[7, and appointment~~
8 ~~availability]~~. The factors must:

9 (1) require that all insureds are able to receive an
10 appointment with a preferred provider within the maximum travel
11 times and distances established under Sections [1301.00553](#) and
12 [1301.00554](#);

13 ~~(2) [require that all insureds are able to receive an~~
14 ~~appointment with a preferred provider within the maximum~~
15 ~~appointment wait times established under Section [1301.00555](#),~~

16 ~~(3)]~~ require a preferred provider benefit plan to
17 ensure sufficient choice, access, and quality of physicians and
18 health care providers, in number, size, and geographic
19 distribution, to be capable of providing the health care services
20 covered by the plan from preferred providers to at least 75 percent
21 of ~~[all]~~ insureds within the insurer's designated service area,
22 taking into account the insureds' characteristics, medical
23 conditions, and health care needs, including:

24 (A) the current utilization of covered health
25 care services within the counties of the service area; and

26 (B) an actuarial projection of utilization of
27 covered health care services, physicians, and health care providers

1 needed within the counties of the service area to meet the needs of
2 the number of projected insureds;

3 (3) [~~(4)~~] require a sufficient number of preferred
4 providers of emergency medicine, anesthesiology, pathology,
5 radiology, neonatology, oncology, including medical, surgical, and
6 radiation oncology, surgery, and hospitalist, intensivist, and
7 diagnostic services, including radiology and laboratory services,
8 at each preferred hospital, ambulatory surgical center, or
9 freestanding emergency medical care facility that credentials the
10 particular specialty to ensure at least 75 percent of [~~all~~]
11 insureds are able to receive covered benefits, including access to
12 clinical trials covered by the health benefit plan, at that
13 preferred location;

14 (4) [~~(5)~~] require that all insureds have the ability
15 to access a preferred institutional provider listed in Section
16 [1301.00553](#) within the maximum travel times and distances
17 established under Section [1301.00553](#) for the corresponding county
18 classification;

19 (5) [~~(6)~~] require that insureds have the option of
20 facilities, if available, of pediatric, for-profit, nonprofit, and
21 tax-supported institutions, with special consideration to
22 contracting with:

23 (A) teaching hospitals that provide indigent
24 care or care for uninsured individuals as a significant percentage
25 of their overall patient load; and

26 (B) teaching facilities that specialize in
27 providing care for rare and complex medical conditions and

1 conducting clinical trials;

2 (6) [~~(7)~~] require that there is an adequate number of
3 preferred provider physicians who have admitting privileges at one
4 or more preferred provider hospitals located within the insurer's
5 designated service area to make any necessary hospital admissions;

6 (7) [~~(8)~~] provide for necessary hospital services by
7 requiring contracting with general, pediatric, specialty, and
8 psychiatric hospitals on a preferred benefit basis within the
9 insurer's designated service area, as applicable;

10 (8) [~~(9)~~] ensure that emergency care, as defined by
11 Section 1301.155, is available and accessible 24 hours a day, seven
12 days a week, by preferred providers;

13 (9) [~~(10)~~] ensure that covered urgent care is
14 available and accessible from preferred providers within the
15 insurer's designated service area within 24 hours for medical and
16 behavioral health conditions;

17 (10) [~~(11)~~] require an adequate number of preferred
18 providers to be available and accessible to insureds 24 hours a day,
19 seven days a week, within the insurer's designated service area;
20 and

21 (11) [~~(12)~~] require sufficient numbers and classes of
22 preferred providers to ensure choice, access, and quality of care
23 across the insurer's designated service area.

24 (d) For the purposes of this section, a preferred provider
25 within the time and distance requirements of Section 1301.00553 is
26 considered part of the network adequacy calculation, regardless of
27 whether the provider's office is located in a different county than

1 the insured or outside the insurer's service area.

2 SECTION 2. Sections 1301.00553(c), (d), (e), (f), and (g),
 3 Insurance Code, are amended to read as follows:

4 (c) Maximum travel time in minutes and maximum distance in
 5 miles for preferred provider benefit plans by preferred provider
 6 type for each large metro county are:

7 (1) for the following physicians, as designated by
 8 physician specialty:

| | Time | Distance |
|---|-----------------------------|-----------------------------|
| 9 Allergy and Immunology | <u>40</u> [30] | <u>20</u> [15] |
| 10 Cardiology | <u>30</u> [20] | <u>15</u> [10] |
| 11 Cardiothoracic Surgery | <u>40</u> [30] | <u>20</u> [15] |
| 12 Dermatology | <u>30</u> [20] | <u>15</u> [10] |
| 13 Emergency Medicine | <u>30</u> [20] | <u>15</u> [10] |
| 14 Endocrinology | <u>40</u> [30] | <u>20</u> [15] |
| 15 Ear, Nose, and Throat/Otolaryngology | <u>40</u> [30] | <u>20</u> [15] |
| 16 Gastroenterology | <u>30</u> [20] | <u>15</u> [10] |
| 17 General Surgery | <u>30</u> [20] | <u>15</u> [10] |
| 18 Gynecology and Obstetrics | <u>20</u> [10] | <u>10</u> [5] |
| 19 Infectious Diseases | <u>40</u> [30] | <u>20</u> [15] |
| 20 Nephrology | <u>40</u> [30] | <u>20</u> [15] |
| 21 Neurology | <u>30</u> [20] | <u>15</u> [10] |
| 22 Neurosurgery | <u>40</u> [30] | <u>20</u> [15] |
| 23 Oncology: Medical, Surgical | <u>30</u> [20] | <u>15</u> [10] |
| 24 Oncology: Radiation | <u>40</u> [30] | <u>20</u> [15] |
| 25 Ophthalmology | <u>30</u> [20] | <u>15</u> [10] |
| 26 Orthopedic Surgery | <u>30</u> [20] | <u>15</u> [10] |

| | | | |
|----|--|-----------------------------|-----------------------------|
| 1 | Physical Medicine and Rehabilitation | <u>40</u> [30] | <u>20</u> [15] |
| 2 | Plastic Surgery | <u>40</u> [30] | <u>20</u> [15] |
| 3 | Primary Care: Adults | <u>20</u> [10] | <u>10</u> [5] |
| 4 | Primary Care: Pediatric | <u>20</u> [10] | <u>10</u> [5] |
| 5 | Psychiatry | <u>30</u> [20] | <u>15</u> [10] |
| 6 | Pulmonology | <u>30</u> [20] | <u>15</u> [10] |
| 7 | Rheumatology | <u>40</u> [30] | <u>20</u> [15] |
| 8 | Urology | <u>30</u> [20] | <u>15</u> [10] |
| 9 | Vascular Surgery | <u>40</u> [30] | <u>20</u> [15] |
| 10 | (2) for health care practitioners in the following | | |
| 11 | disciplines: | | |
| 12 | | Time | Distance |
| 13 | Chiropractic | <u>40</u> [30] | <u>20</u> [15] |
| 14 | Occupational Therapy | <u>30</u> [20] | <u>15</u> [10] |
| 15 | Physical Therapy | <u>30</u> [20] | <u>15</u> [10] |
| 16 | Podiatry | <u>30</u> [20] | <u>15</u> [10] |
| 17 | Speech Therapy | <u>30</u> [20] | <u>15</u> [10] |
| 18 | (3) for the following types of institutional | | |
| 19 | providers: | | |
| 20 | | Time | Distance |
| 21 | Acute Inpatient Hospitals (Emergency | | |
| 22 | Services Available 24/7) | <u>30</u> [20] | <u>15</u> [10] |
| 23 | Cardiac Catheterization Services | <u>40</u> [30] | <u>20</u> [15] |
| 24 | Cardiac Surgery Program | <u>40</u> [30] | <u>20</u> [15] |
| 25 | Critical Care Services: Intensive Care Units | <u>30</u> [20] | <u>15</u> [10] |

| | | | |
|----|--|-----------------------------|-----------------------------|
| 1 | Diagnostic Radiology (Freestanding; Hospital | | |
| 2 | Outpatient; Ambulatory Health Facilities | | |
| 3 | with Diagnostic Radiology) | <u>30</u> [20] | <u>15</u> [10] |
| 4 | Inpatient or Residential Behavioral Health | | |
| 5 | Facility Services | <u>40</u> [30] | <u>20</u> [15] |
| 6 | Mammography | <u>30</u> [20] | <u>15</u> [10] |
| 7 | Outpatient Infusion/Chemotherapy | <u>30</u> [20] | <u>15</u> [10] |
| 8 | Skilled Nursing Facilities | <u>30</u> [20] | <u>15</u> [10] |
| 9 | Surgical Services (Outpatient or Ambulatory | | |
| 10 | Surgical Center) | <u>30</u> [20] | <u>15</u> [10] |

11 (4) for the following settings:

| 12 | | Time | Distance |
|----|---------------------------------------|-----------------------------|-----------------------------|
| 13 | Outpatient Clinical Behavioral Health | | |
| 14 | (Licensed, Accredited, or Certified) | <u>20</u> [10] | <u>10</u> [5] |
| 15 | Urgent Care | <u>30</u> [20] | <u>15</u> [10] |

16 (d) Maximum travel time in minutes and maximum distance in
 17 miles for preferred provider benefit plans by preferred provider
 18 type for each metro county are:

19 (1) for the following physicians, as designated by
 20 physician specialty:

| 21 | | Time | Distance |
|----|------------------------|-----------------------------|-----------------------------|
| 22 | Allergy and Immunology | <u>60</u> [45] | <u>40</u> [30] |
| 23 | Cardiology | <u>45</u> [30] | <u>30</u> [20] |
| 24 | Cardiothoracic Surgery | <u>75</u> [60] | <u>50</u> [40] |
| 25 | Dermatology | <u>60</u> [45] | <u>40</u> [30] |
| 26 | Emergency Medicine | <u>60</u> [45] | <u>40</u> [30] |
| 27 | Endocrinology | <u>75</u> [60] | <u>50</u> [40] |

| | | | |
|----|--|-----------------------------|-----------------------------|
| 1 | Ear, Nose, and Throat/Otolaryngology | <u>60</u> [45] | <u>40</u> [30] |
| 2 | Gastroenterology | <u>60</u> [45] | <u>40</u> [30] |
| 3 | General Surgery | <u>45</u> [30] | <u>30</u> [20] |
| 4 | Gynecology and Obstetrics | <u>30</u> [15] | <u>20</u> [10] |
| 5 | Infectious Diseases | <u>75</u> [60] | <u>50</u> [40] |
| 6 | Nephrology | <u>60</u> [45] | <u>40</u> [30] |
| 7 | Neurology | <u>60</u> [45] | <u>40</u> [30] |
| 8 | Neurosurgery | <u>75</u> [60] | <u>50</u> [40] |
| 9 | Oncology: Medical, Surgical | <u>60</u> [45] | <u>40</u> [30] |
| 10 | Oncology: Radiation | <u>75</u> [60] | <u>50</u> [40] |
| 11 | Ophthalmology | <u>45</u> [30] | <u>30</u> [20] |
| 12 | Orthopedic Surgery | <u>45</u> [30] | <u>30</u> [20] |
| 13 | Physical Medicine and Rehabilitation | <u>60</u> [45] | <u>40</u> [30] |
| 14 | Plastic Surgery | <u>75</u> [60] | <u>50</u> [40] |
| 15 | Primary Care: Adults | <u>30</u> [15] | <u>20</u> [10] |
| 16 | Primary Care: Pediatric | <u>30</u> [15] | <u>20</u> [10] |
| 17 | Psychiatry | <u>60</u> [45] | <u>40</u> [30] |
| 18 | Pulmonology | <u>60</u> [45] | <u>40</u> [30] |
| 19 | Rheumatology | <u>75</u> [60] | <u>50</u> [40] |
| 20 | Urology | <u>60</u> [45] | <u>40</u> [30] |
| 21 | Vascular Surgery | <u>75</u> [60] | <u>50</u> [40] |
| 22 | (2) for health care practitioners in the following | | |
| 23 | disciplines: | | |
| 24 | | Time | Distance |
| 25 | Chiropractic | <u>60</u> [45] | <u>40</u> [30] |
| 26 | Occupational Therapy | <u>60</u> [45] | <u>40</u> [30] |
| 27 | Physical Therapy | <u>60</u> [45] | <u>40</u> [30] |

1 Podiatry 60 [~~45~~] 40 [~~30~~]
 2 Speech Therapy 60 [~~45~~] 40 [~~30~~]

3 (3) for the following types of institutional
 4 providers:

| | Time | Distance |
|---|-----------------------------|-----------------------------|
| 5 Acute Inpatient Hospitals (Emergency | | |
| 6 Services Available 24/7) | <u>60</u> [45] | <u>40</u> [30] |
| 7 Cardiac Catheterization Services | <u>75</u> [60] | <u>50</u> [40] |
| 8 Cardiac Surgery Program | <u>75</u> [60] | <u>50</u> [40] |
| 9 Critical Care Services: Intensive Care Units | <u>60</u> [45] | <u>40</u> [30] |
| 10 Diagnostic Radiology (Freestanding; Hospital | | |
| 11 Outpatient; Ambulatory Health Facilities | | |
| 12 with Diagnostic Radiology) | <u>60</u> [45] | <u>40</u> [30] |
| 13 Inpatient or Residential Behavioral Health | | |
| 14 Facility Services | <u>85</u> [70] | <u>55</u> [45] |
| 15 Mammography | <u>60</u> [45] | <u>40</u> [30] |
| 16 Outpatient Infusion/Chemotherapy | <u>60</u> [45] | <u>40</u> [30] |
| 17 Skilled Nursing Facilities | <u>60</u> [45] | <u>40</u> [30] |
| 18 Surgical Services (Outpatient or Ambulatory | | |
| 19 Surgical Center) | <u>60</u> [45] | <u>40</u> [30] |

20 (4) for the following settings:

| | Time | Distance |
|--|-----------------------------|-----------------------------|
| 21 Outpatient Clinical Behavioral Health | | |
| 22 (Licensed, Accredited, or Certified) | <u>30</u> [15] | <u>20</u> [10] |
| 23 Urgent Care | <u>60</u> [45] | <u>40</u> [30] |

24 (e) Maximum travel time in minutes and maximum distance in
 25 miles for preferred provider benefit plans by preferred provider

1 type for each micro county are:

2 (1) for the following physicians, as designated by
3 physician specialty:

| 4 | Time | Distance |
|---|-------------------------------|-----------------------------|
| 5 Allergy and Immunology | <u>110</u> [80] | <u>80</u> [60] |
| 6 Cardiology | <u>80</u> [50] | <u>55</u> [35] |
| 7 Cardiothoracic Surgery | <u>130</u> [100] | <u>95</u> [75] |
| 8 Dermatology | <u>90</u> [60] | <u>65</u> [45] |
| 9 Emergency Medicine | <u>110</u> [80] | <u>80</u> [60] |
| 10 Endocrinology | <u>130</u> [100] | <u>95</u> [75] |
| 11 Ear, Nose, and Throat/Otolaryngology | <u>110</u> [80] | <u>80</u> [60] |
| 12 Gastroenterology | <u>90</u> [60] | <u>65</u> [45] |
| 13 General Surgery | <u>80</u> [50] | <u>55</u> [35] |
| 14 Gynecology and Obstetrics | <u>60</u> [30] | <u>40</u> [20] |
| 15 Infectious Diseases | <u>130</u> [100] | <u>95</u> [75] |
| 16 Nephrology | <u>110</u> [80] | <u>80</u> [60] |
| 17 Neurology | <u>90</u> [60] | <u>65</u> [45] |
| 18 Neurosurgery | <u>130</u> [100] | <u>95</u> [75] |
| 19 Oncology: Medical, Surgical | <u>90</u> [60] | <u>65</u> [45] |
| 20 Oncology: Radiation | <u>130</u> [100] | <u>95</u> [75] |
| 21 Ophthalmology | <u>80</u> [50] | <u>55</u> [35] |
| 22 Orthopedic Surgery | <u>80</u> [50] | <u>55</u> [35] |
| 23 Physical Medicine and Rehabilitation | <u>110</u> [80] | <u>80</u> [60] |
| 24 Plastic Surgery | <u>130</u> [100] | <u>95</u> [75] |
| 25 Primary Care: Adults | <u>60</u> [30] | <u>40</u> [20] |
| 26 Primary Care: Pediatric | <u>60</u> [30] | <u>40</u> [20] |
| 27 Psychiatry | <u>90</u> [60] | <u>65</u> [45] |

| | | | |
|---|------------------|-------------------------------|-----------------------------|
| 1 | Pulmonology | <u>90</u> [60] | <u>65</u> [45] |
| 2 | Rheumatology | <u>130</u> [100] | <u>95</u> [75] |
| 3 | Urology | <u>90</u> [60] | <u>65</u> [45] |
| 4 | Vascular Surgery | <u>130</u> [100] | <u>95</u> [75] |

5 (2) for health care practitioners in the following
6 disciplines:

| 7 | | Time | Distance |
|----|----------------------|------------------------------|-----------------------------|
| 8 | Chiropractic | <u>110</u> [80] | <u>80</u> [60] |
| 9 | Occupational Therapy | <u>110</u> [80] | <u>80</u> [60] |
| 10 | Physical Therapy | <u>110</u> [80] | <u>80</u> [60] |
| 11 | Podiatry | <u>90</u> [60] | <u>65</u> [45] |
| 12 | Speech Therapy | <u>110</u> [80] | <u>80</u> [60] |

13 (3) for the following types of institutional
14 providers:

| 15 | | Time | Distance |
|----|--|-------------------------------|-------------------------------|
| 16 | Acute Inpatient Hospitals (Emergency | | |
| 17 | Services Available 24/7) | <u>110</u> [80] | <u>80</u> [60] |
| 18 | Cardiac Catheterization Services | <u>190</u> [160] | <u>140</u> [120] |
| 19 | Cardiac Surgery Program | <u>190</u> [160] | <u>140</u> [120] |
| 20 | Critical Care Services: Intensive Care Units | <u>190</u> [160] | <u>140</u> [120] |
| 21 | Diagnostic Radiology (Freestanding; Hospital | | |
| 22 | Outpatient; Ambulatory Health Facilities | | |
| 23 | with Diagnostic Radiology) | <u>110</u> [80] | <u>80</u> [60] |
| 24 | Inpatient or Residential Behavioral Health | | |
| 25 | Facility Services | <u>130</u> [100] | <u>95</u> [75] |
| 26 | Mammography | <u>110</u> [80] | <u>80</u> [60] |
| 27 | Outpatient Infusion/Chemotherapy | <u>110</u> [80] | <u>80</u> [60] |

| | | | |
|---|---|------------------------------|-----------------------------|
| 1 | Skilled Nursing Facilities | <u>110</u> [80] | <u>80</u> [60] |
| 2 | Surgical Services (Outpatient or Ambulatory | | |
| 3 | Surgical Center) | <u>110</u> [80] | <u>80</u> [60] |

4 (4) for the following settings:

| 5 | | Time | Distance |
|---|---------------------------------------|------------------------------|-----------------------------|
| 6 | Outpatient Clinical Behavioral Health | | |
| 7 | (Licensed, Accredited, or Certified) | <u>60</u> [30] | <u>40</u> [20] |
| 8 | Urgent Care | <u>110</u> [80] | <u>80</u> [60] |

9 (f) Maximum travel time in minutes and maximum distance in
 10 miles for preferred provider benefit plans by preferred provider
 11 type for each rural county are:

12 (1) for the following physicians, as designated by
 13 physician specialty:

| 14 | | Time | Distance |
|----|--------------------------------------|-------------------------------|------------------------------|
| 15 | Allergy and Immunology | <u>120</u> [90] | <u>95</u> [75] |
| 16 | Cardiology | <u>105</u> [75] | <u>80</u> [60] |
| 17 | Cardiothoracic Surgery | <u>140</u> [110] | <u>110</u> [90] |
| 18 | Dermatology | <u>105</u> [75] | <u>80</u> [60] |
| 19 | Emergency Medicine | <u>105</u> [75] | <u>80</u> [60] |
| 20 | Endocrinology | <u>140</u> [110] | <u>110</u> [90] |
| 21 | Ear, Nose, and Throat/Otolaryngology | <u>120</u> [90] | <u>95</u> [75] |
| 22 | Gastroenterology | <u>105</u> [75] | <u>80</u> [60] |
| 23 | General Surgery | <u>105</u> [75] | <u>80</u> [60] |
| 24 | Gynecology and Obstetrics | <u>70</u> [40] | <u>50</u> [30] |
| 25 | Infectious Diseases | <u>140</u> [110] | <u>110</u> [90] |
| 26 | Nephrology | <u>120</u> [90] | <u>95</u> [75] |
| 27 | Neurology | <u>105</u> [75] | <u>80</u> [60] |

| | | | | | |
|----|--|------------|--------------------|------------|-------------------|
| 1 | Neurosurgery | <u>140</u> | [110] | <u>110</u> | [90] |
| 2 | Oncology: Medical, Surgical | <u>105</u> | [75] | <u>80</u> | [60] |
| 3 | Oncology: Radiation | <u>140</u> | [110] | <u>110</u> | [90] |
| 4 | Ophthalmology | <u>105</u> | [75] | <u>80</u> | [60] |
| 5 | Orthopedic Surgery | <u>105</u> | [75] | <u>80</u> | [60] |
| 6 | Physical Medicine and Rehabilitation | <u>120</u> | [90] | <u>95</u> | [75] |
| 7 | Plastic Surgery | <u>140</u> | [110] | <u>110</u> | [90] |
| 8 | Primary Care: Adults | <u>70</u> | [40] | <u>50</u> | [30] |
| 9 | Primary Care: Pediatric | <u>70</u> | [40] | <u>50</u> | [30] |
| 10 | Psychiatry | <u>105</u> | [75] | <u>80</u> | [60] |
| 11 | Pulmonology | <u>105</u> | [75] | <u>80</u> | [60] |
| 12 | Rheumatology | <u>140</u> | [110] | <u>110</u> | [90] |
| 13 | Urology | <u>105</u> | [75] | <u>80</u> | [60] |
| 14 | Vascular Surgery | <u>140</u> | [110] | <u>110</u> | [90] |
| 15 | (2) for health care practitioners in the following | | | | |
| 16 | disciplines: | | | | |
| 17 | | Time | | Distance | |
| 18 | Chiropractic | <u>120</u> | [90] | <u>95</u> | [75] |
| 19 | Occupational Therapy | <u>105</u> | [75] | <u>80</u> | [60] |
| 20 | Physical Therapy | <u>105</u> | [75] | <u>80</u> | [60] |
| 21 | Podiatry | <u>105</u> | [75] | <u>80</u> | [60] |
| 22 | Speech Therapy | <u>105</u> | [75] | <u>80</u> | [60] |
| 23 | (3) for the following types of institutional | | | | |
| 24 | providers: | | | | |
| 25 | | Time | | Distance | |
| 26 | Acute Inpatient Hospitals (Emergency | | | | |
| 27 | Services Available 24/7) | <u>105</u> | [75] | <u>80</u> | [60] |

| | | | | | |
|----|--|------------|--------------------|------------|--------------------|
| 1 | Cardiac Catheterization Services | <u>175</u> | [145] | <u>140</u> | [120] |
| 2 | Cardiac Surgery Program | <u>175</u> | [145] | <u>140</u> | [120] |
| 3 | Critical Care Services: Intensive Care Units | <u>175</u> | [145] | <u>140</u> | [120] |
| 4 | Diagnostic Radiology (Freestanding; Hospital | | | | |
| 5 | Outpatient; Ambulatory Health Facilities | | | | |
| 6 | with Diagnostic Radiology) | <u>105</u> | [75] | <u>80</u> | [60] |
| 7 | Inpatient or Residential Behavioral Health | | | | |
| 8 | Facility Services | <u>120</u> | [90] | <u>95</u> | [75] |
| 9 | Mammography | <u>105</u> | [75] | <u>80</u> | [60] |
| 10 | Outpatient Infusion/Chemotherapy | <u>105</u> | [75] | <u>80</u> | [60] |
| 11 | Skilled Nursing Facilities | <u>105</u> | [75] | <u>80</u> | [60] |
| 12 | Surgical Services (Outpatient or Ambulatory | | | | |
| 13 | Surgical Center) | <u>105</u> | [75] | <u>80</u> | [60] |
| 14 | (4) for the following settings: | | | | |
| 15 | | Time | | Distance | |
| 16 | Outpatient Clinical Behavioral | | | | |
| 17 | Health (Licensed, Accredited, or Certified) | <u>70</u> | [40] | <u>50</u> | [30] |
| 18 | Urgent Care | <u>105</u> | [75] | <u>80</u> | [60] |
| 19 | (g) Maximum travel time in minutes and maximum distance in | | | | |
| 20 | miles for preferred provider benefit plans by preferred provider | | | | |
| 21 | type for each county with extreme access considerations are: | | | | |
| 22 | (1) for the following physicians, as designated by | | | | |
| 23 | physician specialty: | | | | |
| 24 | | Time | | Distance | |
| 25 | Allergy and Immunology | <u>155</u> | [125] | <u>140</u> | [110] |
| 26 | Cardiology | <u>125</u> | [95] | <u>115</u> | [85] |
| 27 | Cardiothoracic Surgery | <u>175</u> | [145] | <u>160</u> | [130] |

| | | | | | |
|---|----------------------|------------|--------------------|------------|--------------------|
| 1 | Chiropractic | <u>155</u> | [125] | <u>140</u> | [110] |
| 2 | Occupational Therapy | <u>140</u> | [110] | <u>130</u> | [100] |
| 3 | Physical Therapy | <u>140</u> | [110] | <u>130</u> | [100] |
| 4 | Podiatry | <u>140</u> | [110] | <u>130</u> | [100] |
| 5 | Speech Therapy | <u>140</u> | [110] | <u>130</u> | [100] |

(3) for the following institutional providers:

| | | Time | | Distance | |
|----|--|------------|--------------------|------------|--------------------|
| 8 | Acute Inpatient Hospitals (Emergency | | | | |
| 9 | Services Available 24/7) | <u>140</u> | [110] | <u>130</u> | [100] |
| 10 | Cardiac Catheterization Services | <u>185</u> | [155] | <u>170</u> | [140] |
| 11 | Cardiac Surgery Program | <u>185</u> | [155] | <u>170</u> | [140] |
| 12 | Critical Care Services: Intensive Care Units | <u>185</u> | [155] | <u>170</u> | [140] |
| 13 | Diagnostic Radiology (Freestanding; Hospital | | | | |
| 14 | Outpatient; Ambulatory Health Facilities | | | | |
| 15 | with Diagnostic Radiology) | <u>140</u> | [110] | <u>130</u> | [100] |
| 16 | Inpatient or Residential Behavioral Health | | | | |
| 17 | Facility Services | <u>185</u> | [155] | <u>170</u> | [140] |
| 18 | Mammography | <u>140</u> | [110] | <u>130</u> | [100] |
| 19 | Outpatient Infusion/Chemotherapy | <u>140</u> | [110] | <u>130</u> | [100] |
| 20 | Skilled Nursing Facilities | <u>125</u> | [95] | <u>115</u> | [85] |
| 21 | Surgical Services (Outpatient or Ambulatory | | | | |
| 22 | Surgical Center) | <u>140</u> | [110] | <u>130</u> | [100] |

(4) for the following settings:

| | | Time | | Distance | |
|----|---|------------|--------------------|------------|--------------------|
| 25 | Outpatient Clinical Behavioral | | | | |
| 26 | Health (Licensed, Accredited, or Certified) | <u>100</u> | [70] | <u>90</u> | [60] |
| 27 | Urgent Care | <u>140</u> | [110] | <u>130</u> | [100] |

1 SECTION 3. Section 1301.0056(a-1), Insurance Code, is
2 amended to read as follows:

3 (a-1) An insurer is subject to a qualifying examination of
4 the insurer's preferred provider benefit plans and subsequent
5 quality of care and network adequacy examinations by the
6 commissioner at least once every three years [~~, in connection with a
7 public hearing under Section 1301.00565 concerning a material
8 deviation from network adequacy standards by a previously
9 authorized plan or a request for a waiver of a network adequacy
10 standard,~~] and whenever the commissioner considers an examination
11 necessary. Documentation provided to the commissioner during an
12 examination conducted under this section is confidential and is not
13 subject to disclosure as public information under Chapter 552,
14 Government Code.

15 SECTION 4. Section 1301.009(b), Insurance Code, is amended
16 to read as follows:

17 (b) The report shall:

- 18 (1) be verified by at least two principal officers;
19 (2) be in a form prescribed by the commissioner; and
20 (3) include:

21 (A) a financial statement of the insurer,
22 including its balance sheet and receipts and disbursements for the
23 preceding calendar year, certified by an independent public
24 accountant;

25 (B) the number of individuals enrolled during the
26 preceding calendar year, the number of enrollees as of the end of
27 that year, and the number of enrollments terminated during that

1 year; and

2 (C) a statement of:

3 (i) an evaluation of enrollee satisfaction;

4 (ii) an evaluation of quality of care;

5 (iii) coverage areas;

6 (iv) accreditation status;

7 (v) premium costs;

8 (vi) plan costs;

9 (vii) premium increases;

10 (viii) the range of benefits provided;

11 (ix) copayments and deductibles;

12 (x) the accuracy and speed of claims

13 payment by the insurer for the plan;

14 (xi) the credentials of physicians who are

15 preferred providers;

16 (xii) the number of preferred providers;

17 (xiii) any waiver requests made and waivers

18 of network adequacy standards granted under Section [1301.0055](#)

19 [~~[1301.00565](#)~~];

20 (xiv) any material deviation from network

21 adequacy standards reported to the department under Section

22 [1301.0055](#); and

23 (xv) any corrective actions, sanctions, or

24 penalties assessed against the insurer by the department for

25 deficiencies related to the preferred provider benefit plan.

26 SECTION 5. Sections [1301.00555](#) and [1301.00565](#), Insurance

27 Code, are repealed.

1 SECTION 6. The changes in law made by this Act apply only to
2 an insurance policy that is delivered, issued for delivery, or
3 renewed on or after January 1, 2026. A policy delivered, issued
4 for delivery, or renewed before January 1, 2026, is governed by the
5 law as it existed immediately before the effective date of this Act,
6 and that law is continued in effect for that purpose.

7 SECTION 7. This Act takes effect September 1, 2025.