

By: Pierson

H.B. No. 4992

A BILL TO BE ENTITLED

AN ACT

relating to the inclusion of an exclusive dealing or tying clause in a health care provider network contract.

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

SECTION 1. Section 1458.001, Insurance Code, is amended by adding Subdivisions (3-a) and (9) to read as follows:

(3-a) "Exclusive dealing clause" means a provision in a provider network contract that implicitly or explicitly restricts or places conditions on the ability of a general contracting entity to freely contract with another provider for any period.

(9) "Tying clause" means a provision in a provider network contract that requires the contract to include one or more specified members of a provider group, including medical practice groups and facilities, in:

(A) the general contracting entity's network of participating providers;

(B) the same network; or

(C) each product offered by the general contracting entity.

SECTION 2. Sections 1458.101(g) and (h), Insurance Code, are amended to read as follows:

(g) A provider may not:

(1) offer to a general contracting entity a written provider network contract that includes an anti-steering,

1 anti-tiering, exclusive dealing, gag, [~~or~~] most favored nation, or  
2 tying clause;

3 (2) enter into a provider network contract that  
4 includes an anti-steering, anti-tiering, exclusive dealing, gag,  
5 [~~or~~] most favored nation, or tying clause; or

6 (3) amend or renew an existing provider network  
7 contract previously entered into with a general contracting entity  
8 so that the contract as amended or renewed adds or retains an  
9 anti-steering, anti-tiering, exclusive dealing, gag, [~~or~~] most  
10 favored nation, or tying clause.

11 (h) Any provision in a provider network contract that is an  
12 anti-steering, anti-tiering, exclusive dealing, gag, [~~or~~] most  
13 favored nation, or tying clause is void and unenforceable. The  
14 remaining provisions in the provider network contract remain in  
15 effect and are enforceable.

16 SECTION 3. The changes in law made by this Act apply only to  
17 a contract entered into or renewed on or after the effective date of  
18 this Act. A contract entered into or renewed before the effective  
19 date of this Act is governed by the law as it existed immediately  
20 before the effective date of this Act, and that law is continued in  
21 effect for that purpose.

22 SECTION 4. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2025.