

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

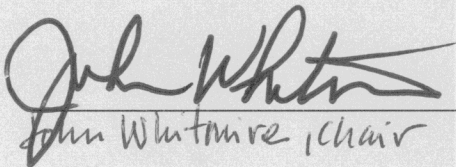
May ²⁷ ~~28~~, 2017
Date

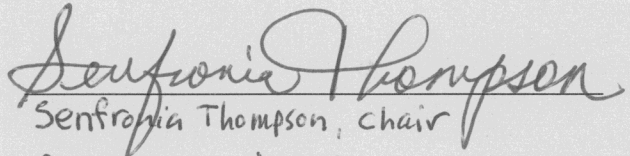
Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

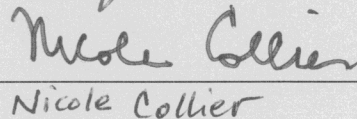
Sirs:

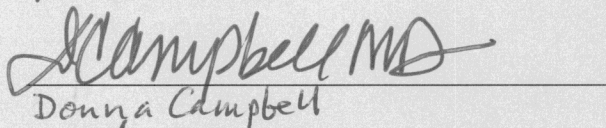
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 1036 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

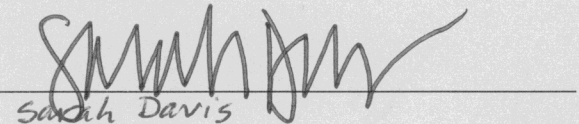

John Whitmore, chair

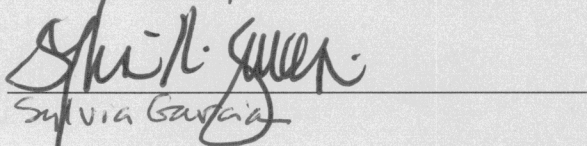

Senfonia Thompson, chair

Konni Burton

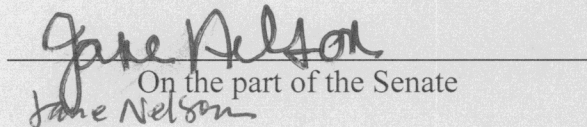

Nicole Collier

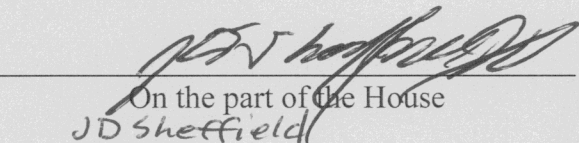

Donna Campbell


Sarah Davis


Sylvia Garcia

Ana Hernandez


On the part of the Senate
Jane Nelson


On the part of the House
JD Sheffield

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 1036

A BILL TO BE ENTITLED

1 AN ACT

2 relating to coverage for certain breast cancer screening procedures
3 under certain health benefit plans.

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

5 SECTION 1. The heading to Chapter 1356, Insurance Code, is
6 amended to read as follows:

7 CHAPTER 1356. [~~LOW-DOSE~~] MAMMOGRAPHY

8 SECTION 2. Sections 1356.001 and 1356.002, Insurance Code,
9 are amended to read as follows:

10 Sec. 1356.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

11 (1) "Breast tomosynthesis" means a radiologic
12 mammography procedure that involves the acquisition of projection
13 images over a stationary breast to produce cross-sectional digital
14 three-dimensional images of the breast from which applicable breast
15 cancer screening diagnoses may be determined.

16 (2) "Low-dose[~~,"low-dose~~] mammography" means:

17 (A) the x-ray examination of the breast using
18 equipment dedicated specifically for mammography, including an
19 x-ray tube, filter, compression device, and screens, [~~films, and~~
20 ~~cassettes,~~] with an average radiation exposure delivery of less
21 than one rad mid-breast and[~~,"~~] with two views for each breast;

22 (B) digital mammography; or

23 (C) breast tomosynthesis.

24 Sec. 1356.002. APPLICABILITY OF CHAPTER. (a) This chapter

1 applies ~~[only]~~ to a health benefit plan, including a small employer
2 health benefit plan written under Chapter 1501 or coverage that is
3 provided by a health group cooperative under Subchapter B of that
4 chapter, that provides benefits for medical or surgical expenses
5 incurred as a result of a health condition, accident, or sickness,
6 including [is delivered, issued for delivery, or renewed in this
7 ~~state and that is]~~ an individual, ~~[or]~~ group, blanket, or franchise
8 ~~[accident and health]~~ insurance policy or insurance agreement, a
9 group hospital service contract, or an individual or group evidence
10 of coverage or similar coverage document offered by:

- 11 (1) an insurance company;
- 12 (2) a group hospital service corporation operating
13 under Chapter 842;
- 14 (3) a health maintenance organization operating under
15 Chapter 843;
- 16 (4) an approved nonprofit health corporation that
17 holds a certificate of authority under Chapter 844;
- 18 (5) a multiple employer welfare arrangement that holds
19 a certificate of authority under Chapter 846;
- 20 (6) a stipulated premium company operating under
21 Chapter 884;
- 22 (7) a fraternal benefit society operating under
23 Chapter 885;
- 24 (8) a Lloyd's plan operating under Chapter 941; or
- 25 (9) an exchange operating under Chapter 942[
26 ~~including a policy issued by a group hospital service corporation~~
27 ~~operating under Chapter 842].~~

1 (b) This chapter applies to coverage under a group health
2 benefit plan described by Subsection (a) provided to a resident of
3 this state, regardless of whether the group policy or contract is
4 delivered, issued for delivery, or renewed within or outside this
5 state.

6 (c) This chapter applies to group health coverage made
7 available by a school district in accordance with Section
8 22.004(b), Education Code.

9 (d) This chapter applies to a self-funded health benefit
10 plan sponsored by a professional employer organization under
11 Chapter 91, Labor Code.

12 (e) Notwithstanding Section 22.409, Business Organizations
13 Code, or any other law, this chapter applies to a church benefits
14 board established under Chapter 22, Business Organizations Code.

15 (f) Notwithstanding Section 75.104, Health and Safety Code,
16 or any other law, this chapter applies to a regional or local health
17 care program established under Chapter 75, Health and Safety Code.

18 (g) Notwithstanding any provision in Chapter 1551 or any
19 other law, this chapter applies to a basic coverage plan under
20 Chapter 1551.

21 (h) Notwithstanding any other law, a standard health
22 benefit plan provided under Chapter 1507 must provide the coverage
23 required by this chapter.

24 SECTION 3. Chapter 1356, Insurance Code, is amended by
25 adding Section 1356.0021 to read as follows:

26 Sec. 1356.0021. EXCEPTIONS. This chapter does not apply
27 to:

1 (1) the child health plan program operated under
2 Chapter 62, Health and Safety Code;

3 (2) the health benefits plan for children operated
4 under Chapter 63, Health and Safety Code;

5 (3) the state Medicaid program operated under Chapter
6 32, Human Resources Code; and

7 (4) the Medicaid managed care program operated under
8 Chapter 533, Government Code.

9 SECTION 4. Section 1356.005(a), Insurance Code, is amended
10 to read as follows:

11 (a) A health benefit plan that provides coverage to a female
12 who is 35 years of age or older must include coverage for an annual
13 screening by all forms of low-dose mammography for the presence of
14 occult breast cancer.

15 SECTION 5. The changes in law made by this Act apply only to
16 a health benefit plan that is delivered, issued for delivery, or
17 renewed on or after January 1, 2018. A plan delivered, issued for
18 delivery, or renewed before January 1, 2018, is governed by the law
19 as it existed immediately before the effective date of this Act, and
20 that law is continued in effect for that purpose.

21 SECTION 6. This Act takes effect September 1, 2017.

House Bill 1036
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. The heading to Chapter 1356, Insurance Code, is amended.

SECTION 2. Sections 1356.001 and 1356.002, Insurance Code, relating to definitions and the applicability of the chapter, which relates to low-dose mammography under provisions relating to benefits payable under health coverages, are amended.

Sec. 1356.001. Among other things, includes in the term "low-dose mammography" digital mammography *or* breast tomosynthesis.

Sec. 1356.002. Among other things, applies Chapter 1356, Insurance Code, to group health coverage made available by a school district in accordance with *Section 22.004*, Education Code.

SECTION 3. Chapter 1356, Insurance Code, is amended by adding Section 1356.0021.

SECTION 4. Section 1356.005(a), Insurance Code, is amended to read as follows:

(a) A health benefit plan that provides coverage to a female who is 35 years of age or older must include coverage for an annual screening by all forms of low-dose mammography for the presence of occult breast cancer.

SECTION 5. Applicability provision.

SENATE VERSION (CS)

SECTION 1. Same as House version.

SECTION 2. Sections 1356.001 and 1356.002. Same as House version except as follows:

Sec. 1356.001. Same as House version except includes in the term digital mammography *other than* breast tomosynthesis.

Sec. 1356.002. Same as House version except specifies *Section 22.004(b)*, Education Code.

SECTION 3. Same as House version except also adds Section 1356.006 authorizing a health benefit plan issuer to offer a health benefit plan that provides coverage for breast tomosynthesis.

No equivalent provision.

SECTION 4. Same as House version.

CONFERENCE

SECTION 1. Same as House version.

SECTION 2. Sections 1356.001 and 1356.002. Same as House version except as follows:

Sec. 1356.001. Same as House version.

Sec. 1356.002. Same as Senate version.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

SECTION 5. Same as House version.

House Bill 1036
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 6. Effective date.

SENATE VERSION (CS)

SECTION 5. Same as House version.

CONFERENCE

SECTION 6. Same as House version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 27, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1036 by Thompson, Senfronia (Relating to coverage for certain breast cancer screening procedures under certain health benefit plans.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend the Insurance Code relating to coverage for certain breast cancer screening procedures under certain health benefit plans. Based on information provided by the Texas Department of Insurance, Employees Retirement System, and Teacher Retirement System, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect on September 1, 2017; however, the provisions of the bill would only apply to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2018.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 323 Teacher Retirement System, 327 Employees Retirement System, 454 Department of Insurance, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

LBB Staff: UP, CL, CP, AG, EH, KFa