

BILL ANALYSIS

Senate Research Center
76R11175 DB-F

C.S.S.B. 1029
By: Madla
Economic Development
4/28/1999
Committee Report (Substituted)

DIGEST

Currently, the Insurance Code prohibits health insurance carriers from discriminating against particular practitioners of the healing arts. C.S.S.B. 1029 would prevent discrimination against licensed acupuncturists, require a health insurance policy to state whether it does or does not cover acupuncture, and allow an acupuncture patient to obtain treatment paid by the health insurance plan, if the patient has a disorder that could be treated within the scope and practice of acupuncture.

PURPOSE

As proposed, C.S.S.B. 1029 includes a licensed acupuncturist under a policy of health and accident insurance.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2(B), Article 3.70-2, V.T.C.S., as amended by Chapters 946 and 1260, Acts of the 75th Legislature, Regular Session, 1997, to require accident and sickness insurance to include an exception provision, which must include a licensed acupuncturist, in designating the practitioners who will and will not be recognized. Describes a licensed hearing instrument fitter and dispenser and a licensed acupuncturist.

SECTION 2. Amends Section 1, Article 21.52, Insurance Code, to redefine "licensed audiologist," "licensed speech-language pathologist," "licensed hearing instrument fitter and dispenser," and to define "licensed acupuncturist."

SECTION 3. Amends Section 3, Article 21.52, Insurance Code, as amended by Chapter 541, Acts of the 74th Legislature, Regular Session, 1995, and as reenacted and amended by Chapter 946, Acts of the 75th Legislature, Regular Session, 1997, to authorize any person who is issued, who is a party to, or who is a beneficiary under any health insurance policy delivered, renewed, or issued for delivery in this state by any insurance company, association, or organization to which this article applies to select a licensed acupuncturist to perform the services or procedures scheduled in the policy that fall within the scope of the license of that practitioner; or a licensed hearing instrument fitter and dispenser. Sets forth a payment schedule or payment provisions in a health insurance policy, including a licensed hearing instrument fitter and dispenser, which fall within the scope of that practitioner's license or certification and the same services or procedures when performed by any other practitioner of the healing arts covered by the policy. Requires any presently approved policy form containing any provision in conflict with the requirements of this Act to be brought into compliance with this Act by the use of riders and endorsements which have been approved by the Commissioner of Insurance (commissioner), rather than State Board of Insurance, or by the filing of new or revised policy forms for approval by the commissioner. Makes conforming and nonsubstantive changes.

SECTION 4. Repealer: Section 3, Article 21.52, Insurance Code, as amended by Chapter 429, Acts of the 74th Legislature, Regular Session, 1995, and as reenacted and amended by Chapter 946, Acts of the 75th Legislature, Regular Session, 1997 (Selection of practitioners).

SECTION 5. Effective date: September 1, 1999.

Makes application of this Act prospective to January 1, 2000.

SECTION 6. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

Amends the relating clause regarding the right of a person entitled to coverage under certain health and accident insurance policies to select certain health care practitioners.

SECTION 1.

Amends Section 2(B), Article 3.70-2, V.T.C.S., to require accident and sickness insurance to include an exception provision, which must include a licensed acupuncturist, in designating the practitioners who will and will not be recognized. Describes a licensed hearing instrument fitter and dispenser and a licensed acupuncturist. Deletes text regarding a doctor of oriental medicine and licensed hearing aid fitter. Makes conforming changes.

SECTION 2.

Amends Section 1, Article 21.52, Insurance Code, to redefine “licensed audiologist,” “licensed speech-language pathologist,” “licensed hearing instrument fitter and dispenser,” and to define “licensed acupuncturist.” Redesignates proposed SECTION 2 as SECTION 3.

SECTION 3.

Amends Section 3, Article 21.52, Insurance Code, as amended by Chapter 541, Acts of the 74th Legislature, Regular Session, 1995 and as reenacted and amended by Chapter 946, Acts of the 75th Legislature, Regular Session, 1997, to authorize any person who is issued, who is a party to, or who is a beneficiary under any health insurance policy delivered, renewed, or issued for delivery in this state by any insurance company, association, or organization to which this article applies to select a licensed acupuncturist to perform the services or procedures scheduled in the policy that fall within the scope of the license of that practitioner; or a licensed hearing instrument fitter and dispenser. Sets forth a payment schedule or payment provisions in a health insurance policy, including a licensed hearing instrument fitter and dispenser, which fall within the scope of that practitioner’s license or certification and the same services or procedures when performed by any other practitioner of the healing arts covered by the policy. Requires any presently approved policy form containing any provision in conflict with the requirements of this Act to be brought into compliance with this Act by the use of riders and endorsements which have been approved by the commissioner, rather than State Board of Insurance, or by the filing of new or revised policy forms for approval by the commissioner. Redesignates proposed SECTION 3 as SECTION 5. Deletes text regarding Chapter 429. Makes conforming changes.

SECTION 4.

Adds a repealer clause regarding the selection of practitioners. Redesignates proposed SECTION 4 as SECTION 6.

SECTION 5.

Adds a prospective clause.

SECTION 6.

Adds the emergency clause.