

BILL ANALYSIS

Senate Research Center

C.S.S.B. 563
By: Lucio
State Affairs
5/6/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, autism and pervasive developmental disorders are little understood and there is debate over their cause and potential cures. C.S.S.B. 563 prohibits an insurance carrier from using a diagnosis of autism or pervasive developmental disorder as justification for denying coverage of therapy to a patient.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of insurance in SECTION 1 (Article 21.53X, Subchapter E, Chapter 21, Insurance Code) and SECTION 5 (Article 3.51-14, Insurance Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 21, Insurance Code, by adding Article 21.53X as follows:

Art. 21.53X. INDIVIDUAL OR GROUP HEALTH BENEFIT PLAN COVERAGE FOR ENROLLEE WITH AUTISM OR PERVASIVE DEVELOPMENTAL DISORDER.

Sec. 1. DEFINITION. Defines "enrollee."

Sec. 2. APPLICABILITY OF ARTICLE. (a) Provides that this article applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual insurance policy or insurance agreement, an individual evidence of coverage or similar coverage document that is offered by certain entities.

(b) Provides that this article applies to health and accident coverage provided by a risk pool created under Chapter 172 (Texas Political Subdivisions Uniform Group Benefits Program), Local Government Code.

(c) Provides that this article does not apply to a plan that provides certain coverages.

Sec. 3. EXCLUSION OF COVERAGE AND DENIAL OF BENEFITS PROHIBITED. Prohibits the denial of coverage or benefits based on the enrollee's having autism or a pervasive developmental disorder.

Sec. 4. RULES. Requires the commissioner of insurance to adopt rules as necessary to administer this article.

SECTION 2. Amends Subdivision (1), Section 1, Article 3.51-14, Insurance Code, to include autism as a "serious mental illness."

SECTION 3. Amends Section 2, Article 3.51-14, Insurance Code, as follows:

(a) Includes a blanket or franchise insurance policy in relation to group health benefit

plans. Adds to the list of entities that offer certain insurance coverages.

(b) Provides that this article does not apply to coverage under certain policies. Deletes a blanket accident and health insurance policy from this list. Makes conforming changes.

SECTION 4. Amends Section 3(a), Article 3.51-14, Insurance Code, to provide, except as provided by Section 4 of this article, that a group health benefit plan is required to include equipment and therapy in the coverage of treatment of pervasive developmental disorder. Makes conforming changes.

SECTION 5. Amends Article 3.51-14, Insurance Code, by adding Section 6 to require the commissioner of insurance to adopt rules as necessary to administer this article.

SECTION 6. Effective date: September 1, 2003.

Makes application of this Act prospective to January 1, 2004.