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LEGISLATIVE DIGEST

Issue 11 – March 29, 2021

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SENATE B&C CONSIDERS AMBULANCE BILLING

The [Senate Business and Commerce Committee](#) heard testimony on [Senate Bill 999](#) by the committee chair, Sen. Kelly Hancock, (R-North Richland Hills). The bill applies the state’s “surprise billing” solutions to out-of-network ground ambulance billing.

Passed in 2019, [Senate Bill 1264](#) prohibits “surprise billing” by out-of-network providers for certain covered health care services or supplies that exceed the health plan member’s out-of-pocket responsibilities, while providing a process for out-of-network claim dispute resolution. SB 999 adds out-of-network ground ambulance services to the “surprise billing” prohibition.

The Texas Association of Health Plans (TAHP) – the statewide trade association representing health insurers, HMOs and other related health care entities operating in Texas – testified in support of the committee substitute for SB 999 and the use of the mediation process. The organization opposed expanding the current arbitration process or using billed charges as a payment standard for ground ambulances because of increased costs.

TAHP also provided written testimony or registered support for:

- [Senate Bill 790](#) by Sen. Judith Zaffirini, (D-Laredo), allows county-owned air ambulances the option to not balance bill health plan members and accept health plan payments as payment in full.
- [Senate Bill 874](#) by Sen. Hancock provides a "safety net" for Texas should federal action allow for or require state risk or reinsurance pools to cover individuals with high cost medical conditions, or provide reinsurance, thus allowing health plans to reduce health insurance premiums.
- [Senate Bill 875](#) by Sen. Hancock, companion to [House Bill 1033](#), modifies requirements added by [House Bill 2536](#) passed in 2019. The bill requires reporting and disclosure of drug pricing by pharmaceutical drug manufacturers to the Department of State Health Services (DSHS) rather than the Health and Human Services Commission (HHSC) and adds enforcement and administrative penalty provisions.

All bills were left pending.

HOUSE INSURANCE TAKES UP VARIETY OF BILLS

The [House Insurance Committee](#) considered testimony on several bills of interest to Texas health plans. All were left pending.

- Two bills were opposed by TAHP



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- [House Bill 2142](#) by Rep. Hubert Vo, (D-Houston), requires the Texas Department of Insurance (TDI) to examine each HMO, PPO and EPO plan issuer at least once a year to determine its compliance with requirements related to medical management and prior authorization processes.
- [House Bill 1919](#) by Rep. Cody Harris, (R-Palestine), prohibits health plans and pharmacy benefit managers (PBMs) from steering or directing members to use an affiliated pharmacy.
- TAHP has concerns with the following bills and is working with the bill authors to address.
 - [House Bill 2090](#) by Rep. Dustin Burrows, (R-Lubbock), puts into state law the federal “[Transparency in Coverage Act](#)” concerning the requirement of health plans to post pricing. The bill requires health plans and third party administrators (TPAs) to provide detailed disclosures regarding a members' cost-sharing for a service or supply.
 - [House Bill 1934](#) by committee chair, Rep. Tom Oliverson, M.D., (R-Cypress), is a dental payment protection and "rental network" bill. The bill creates payment protections for providers participating in a leasable dental provider network and requires providers to be well-informed about their leasing arrangements.
- [House Bill 2761](#) by Rep. Celia Israel, (D-Austin), requires TDI to create a standardized disclosure form for alternative health coverage sold to individuals. The bill would apply to limited benefit plans such as fixed-indemnity plans; subscription plans, such as direct primary care or concierge care plans; discount health plans; and health care sharing ministries. TAHP registered support for the bill.
- [House Bill 1033](#) by Rep. Oliverson, and companion to SB 875, was voted favorably by the committee as substituted.

BILLS OF INTEREST

- Two bills that supporters hope will lead to expanded broadband services in needed areas of the state were heard in their respective committees.
 - The [Senate Transportation Committee](#) considered the committee substitute for [Senate Bill 5](#) by Sen. Robert Nichols, (R-Jacksonville). The bill creates the State Broadband Development Office (SDBO) that is administratively attached to the University of Texas System. The purpose of SDBO is to promote the expansion of access to broadband in Texas. SDBO must create and adopt a state broadband plan within a year of the effective date of the bill, collaborating with industry and other stakeholders and state agencies, and incorporating the recommendations of the [Governor's Broadband Development Council](#). The bill was left pending.
 - The [House State Affairs Committee](#) considered committee substitute for [House Bill 5](#) by Rep. Trent Ashby, (R-Lufkin). The bill includes some of the same components as SB 5, though the two bills are not companions. At a subsequent meeting, the committee voted 12-0 to send HB 5 for consideration by the full House.

Increasing the state’s access to broadband services is a priority for both chambers. Gov. Greg Abbott, in his “[State of the State](#)” address in February, named broadband access an emergency item.



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- The [Senate Health and Human Services Committee](#) considered:
 - [Senate Bill 412](#) by Sen. Dawn Buckingham, M.D., (R-Lakeway), makes permanent most of the Medicaid and CHIP waivers for telemedicine services that were put in place as part of the state's COVID-19 response. It also addresses gaps related to the use of technology in delivering services and information to Medicaid clients that were identified by stakeholders during the COVID-19 pandemic. TAHP and the Texas e-Health Alliance – which advocates for the use of health information technology – support the bill, which was left pending.
 - [Senate Bill 1137](#) by committee chair, Sen. Lois Kolthorst, (R-Brenham), is a hospital transparency bill that puts into state law the Centers for Medicare and Medicaid Services (CMS) rule titled “[Price Transparency Requirements for Hospitals to Make Standard Charges Public](#)” adopted in Nov. 2019. The rule became effective Jan. 1, 2021. TAHP supports the bill, which was left pending.
- [House Bill 133](#) by Rep. Toni Rose, (D-Dallas), was considered by the [House Human Services Committee](#) and left pending. The bill requires the Health and Human Services Commission (HHSC) to continue to provide Medicaid to women enrolled during a pregnancy for at least 12 months after delivery or miscarriage.
- [House Bill 362](#) by Rep. Carl Sherman, Sr., (D-DeSoto), allows county commissioners courts to require electronic submission of bids or proposals for competitive bidding. The bill was voted favorably by the [House County Affairs Committee](#) and will be considered on the House Local and Consent (LC) Calendar. Bills eligible for the LC calendar are not “emergency” in nature, regardless of extent and scope, and have general agreement concerning consideration and passage.
- The [House Public Health Committee](#) heard testimony on [House Bill 2029](#) by Rep. Stephanie Klick, (R-Fort Worth). The bill effectively removes the delegation requirements for Advance Practice RNs (APRNs) to work under the supervision of a physician. It expands their prescribing and ordering authority, subject to adoption of rules by the Texas Board of Nursing, which are due by Feb. 1, 2022. TAHP supports the bill, which was left pending.

TIDBITS

- Twenty-three candidates – 11 Republicans, 10 Democrats, one Libertarian, and one Independent – are running to replace the late U.S. Rep. Ron Wright, (R-Arlington), in a [May 1 special election](#) to fill the 6th Congressional District seat. Wright’s widow, Susan, is among the candidates. With so many contenders, the race is likely to go to a mid-summer runoff. Early voting will begin on April 19. Congressional District 6 includes the counties of Ellis, Navarro and Tarrant.
- [U.S. Rep. Filemon Vela](#), (D-Brownsville), is retiring from Congress at the end of this term. He was first elected in 2012. The 34th Congressional District encompasses all or part of 11 counties running from Cameron and Hidalgo Counties on the U.S.-Mexico border up to Gonzales County more than 250 miles to the north.
- TDI has [withdrawn a proposal](#) to repeal and adopt chemical dependency treatment standards. TDI published the rule in September 2020 and had a hearing on the rule proposal in November



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2020. TDI is withdrawing the proposed rule changes in response to concerns raised in written and oral comments. In its notice announcing the withdrawal, TDI noted it will consider those concerns before deciding whether to issue a new proposal. The proposed rule would have implemented [Insurance Code §1368.007](#) which requires TDI to adopt by rule chemical dependency treatment standards for use by insurers, other third-party reimbursement sources and chemical dependency treatment centers.

- The Department of State Health Services (DSHS) [announced](#) that Texas will open COVID-19 vaccination to those aged 16 and older on March 29. DSHS has directed vaccine providers to prioritize people 80 years old or older when scheduling appointments and accommodate anyone in that age group who presents for vaccination, whether or not they have an appointment. DSHS will also launch a website to allow people to register for a shot through some public health providers. The public will be able to enroll in the Texas Public Health Vaccine Scheduler to identify upcoming vaccine clinics hosted by DSHS or a participating local health department and be notified when new clinics and appointments become available.

TIMETABLE

Important dates related to the 87th legislative session:

- April 15 First day that a senator may place up to five bills or resolutions on the Senate Notice of Intent Calendar
- May 31 Last day of 87th Regular Session
- June 20 Last day governor can sign or veto bills passed during regular session

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