

AN ACT

relating to certain therapeutic optometrists' participation in a managed care plan.

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

SECTION 1. Article 21.52D, Insurance Code, is amended by amending Subsection (a) and adding Subsections (d), (e), and (f) to read as follows:

(a) In this article:

(1) "Managed care plan" means a health maintenance organization, a preferred provider organization, or another organization that provides or arranges for health care benefits to participants and that requires or encourages participants to use health care practitioners designated by the plan.

(2) "Medical panel" means the health care practitioners who are listed as participating providers in a managed care plan or who a patient seeking diagnosis or treatment of a medical disease, disorder, or condition is encouraged or required to use under a managed care plan.

(3) "Ophthalmologist" means a physician who is licensed by the Texas State Board of Medical Examiners and who specializes in ophthalmology.

(4) "Vision panel" means the optometrists, therapeutic optometrists, and ophthalmologists who are listed as participating providers for routine eye examinations under a

1 managed care plan or who a patient seeking a routine eye examination
2 is encouraged or required to use under a managed care plan.

3 (d) A managed care plan that provides or arranges for vision
4 or medical eye care services or procedures must allow a therapeutic
5 optometrist who is on one or more of the vision panels of the plan to
6 be a fully participating provider on the plan's medical panels to
7 the full extent of the therapeutic optometrist's license to
8 practice therapeutic optometry.

9 (e) A therapeutic optometrist who is included in a managed
10 care plan's medical panels under Subsection (d) must:

11 (1) abide by the terms and conditions of the managed
12 care plan;

13 (2) satisfy the managed care plan's credentialing
14 standards for therapeutic optometrists;

15 (3) provide proof that the Texas Optometry Board
16 considers the therapeutic optometrist's license to practice
17 therapeutic optometry to be in good standing; and

18 (4) comply with the requirements of the Controlled
19 Substances Registration Program operated by the Department of
20 Public Safety.

21 (f) A managed care plan that provides or arranges for vision
22 or medical eye care services or procedures may charge a
23 participating therapeutic optometrist:

24 (1) any reasonable credentialing costs associated
25 with the therapeutic optometrist's being included in the managed
26 care plan's medical panel; and

27 (2) a one-time administrative fee not to exceed \$200

1 for expenses incurred in adding the therapeutic optometrist to the
2 managed care plan's medical panel.

3 SECTION 2. (a) This Act takes effect September 1, 2003.

4 (b) The change in law made by this Act applies only to a
5 managed care policy, contract, or evidence of coverage that is
6 delivered, issued for delivery, or renewed on or after January 1,
7 2004. A managed care policy, contract, or evidence of coverage that
8 is delivered, issued for delivery, or renewed before January 1,
9 2004, is governed by the law as it existed immediately before the
10 effective date of this Act, and the former law is continued in
11 effect for that purpose.

12 (c) The change in law made by this Act applies only to a
13 contract between a managed care plan and a therapeutic optometrist
14 entered into or renewed on or after the effective date of this Act.
15 A contract between a managed care plan and a therapeutic
16 optometrist entered into or renewed before the effective date of
17 this Act is governed by the law in effect at the time the contract
18 was entered into or renewed, and the former law is continued in
19 effect for that purpose.

David Newkurt

President of the Senate

Jim Conzelmann

Speaker of the House

I hereby certify that S.B. No. 857 passed the Senate on April 10, 2003, by the following vote: Yeas 31, Nays 0. _____

Patricia Spaw
Secretary of the Senate

I hereby certify that S.B. No. 857 passed the House on April 30, 2003, by the following vote: Yeas 140, Nays 0, two present not voting. _____

Robert Haney
Chief Clerk of the House

Approved:

14 May '03

Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:15pm O'CLOCK

MAY 14 2003
Ann Shea
Secretary of State