INSURANCE CODE

TITLE 8. HEALTH INSURANCE AND OTHER HEALTH COVERAGES

SUBTITLE A. HEALTH COVERAGE IN GENERAL

CHAPTER 1216. OUT-OF-COUNTRY COVERAGE PROHIBITED

Sec. 1216.001.  DEFINITIONS. In this chapter:

(1)  "Enrollee" means an individual entitled to coverage under a health benefit plan.

(2)  "Foreign country" means a governmental unit other than:

(A)  the United States;

(B)  a state, district, commonwealth, territory, or insular possession of the United States;

(C)  the Panama Canal Zone; or

(D)  the Trust Territory of the Pacific Islands.

(3)  "Health care service" means a service to diagnose, prevent, alleviate, cure, or heal a health condition, sickness, or injury that is provided to an enrollee by a physician or other health care provider.

Added by Acts 2007, 80th Leg., R.S., Ch. 1322 (S.B. [1391](http://www.legis.state.tx.us/tlodocs/80R/billtext/html/SB01391F.HTM)), Sec. 1, eff. September 1, 2007.

Renumbered from Insurance Code, Section 1215.001 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. [1969](http://www.legis.state.tx.us/tlodocs/81R/billtext/html/SB01969F.HTM)), Sec. 27.001(62), eff. September 1, 2009.

Sec. 1216.002.  APPLICABILITY OF CHAPTER. (a) This chapter applies only to a health benefit plan that provides benefits for health care services, including medical or surgical expenses, incurred as a result of a health condition, accident, or sickness, including:

(1)  an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage that is offered by:

(A)  an insurance company;

(B)  a group hospital service corporation operating under Chapter 842;

(C)  a fraternal benefit society operating under Chapter 885;

(D)  a stipulated premium company operating under Chapter 884; or

(E)  a health maintenance organization operating under Chapter 843; and

(2)  to the extent permitted by the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.), a health benefit plan that is offered by:

(A)  a multiple employer welfare arrangement as defined by Section 3 of that Act; or

(B)  another analogous benefit arrangement.

(b)  For purposes of Subsection (a), a health benefit plan includes a consumer choice of benefits plan issued under Chapter 1507.

Added by Acts 2007, 80th Leg., R.S., Ch. 1322 (S.B. [1391](http://www.legis.state.tx.us/tlodocs/80R/billtext/html/SB01391F.HTM)), Sec. 1, eff. September 1, 2007.

Renumbered from Insurance Code, Section 1215.002 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. [1969](http://www.legis.state.tx.us/tlodocs/81R/billtext/html/SB01969F.HTM)), Sec. 27.001(62), eff. September 1, 2009.

Sec. 1216.003.  EXCEPTION. This chapter does not apply to:

(1)  a plan that provides coverage:

(A)  only for a specified disease;

(B)  only for accidental death or dismemberment;

(C)  for wages or payments in lieu of wages for a period during which an employee is absent from work because of sickness or injury;

(D)  as a supplement to a liability insurance policy;

(E)  only for dental or vision care;

(F)  only for indemnity for hospital confinement; or

(G)  only for health care services provided to an enrollee while the enrollee is traveling to, visiting, or residing in a foreign country;

(2)  a Medicare supplemental policy as defined by Section 1882(g)(1), Social Security Act (42 U.S.C. Section 1395ss);

(3)  a workers' compensation insurance policy;

(4)  medical payment insurance coverage provided under a motor vehicle insurance policy; or

(5)  a long-term care insurance policy, including a nursing home fixed indemnity policy, unless the commissioner determines that the policy provides benefit coverage so comprehensive that the policy is a health benefit plan as described by Section 1216.002.

Added by Acts 2007, 80th Leg., R.S., Ch. 1322 (S.B. [1391](http://www.legis.state.tx.us/tlodocs/80R/billtext/html/SB01391F.HTM)), Sec. 1, eff. September 1, 2007.

Renumbered from Insurance Code, Section 1215.003 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. [1969](http://www.legis.state.tx.us/tlodocs/81R/billtext/html/SB01969F.HTM)), Sec. 27.001(62), eff. September 1, 2009.

Renumbered from Insurance Code, Section 1215.003 and amended by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. [1969](http://www.legis.state.tx.us/tlodocs/81R/billtext/html/SB01969F.HTM)), Sec. 27.002(12), eff. September 1, 2009.

Sec. 1216.004.  OUT-OF-COUNTRY CARE PROHIBITED. A health benefit plan issuer may not issue or offer for sale in this state a health benefit plan that requires an enrollee to travel to a foreign country to receive a particular health care service under the health benefit plan.

Added by Acts 2007, 80th Leg., R.S., Ch. 1322 (S.B. [1391](http://www.legis.state.tx.us/tlodocs/80R/billtext/html/SB01391F.HTM)), Sec. 1, eff. September 1, 2007.

Renumbered from Insurance Code, Section 1215.004 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. [1969](http://www.legis.state.tx.us/tlodocs/81R/billtext/html/SB01969F.HTM)), Sec. 27.001(62), eff. September 1, 2009.