



Texas Association of Health Plans
1001 Congress Ave., Suite 300
Austin, Texas 78701
P: 512.476.2091
www.tahp.org

Re: Proposed Amendments to 28 TAC §21.5010

Texas Department of Insurance,

The Texas Association of Health Plans (TAHP) is the statewide trade association representing health insurers, health maintenance organizations, and other related health care entities operating in Texas. We are writing today to express our support for the proposed changes to 28 TAC §21.5010. Our understanding is that this is how the law is currently functioning, but the clarification is nevertheless helpful.

The relevant sections in Chapters 1271, 1301, 1575, and 1579, Insurance Code, states that an insurer shall pay for a covered service performed by an out-of-network diagnostic imaging provider or laboratory service provider at the usual and customary rate or an agreed rate “if the provider performed the service in connection with a medical care or health care service performed by the preferred provider.” Likewise, the required balance billing notice sections in Chapters 1271, 1301, 1575, and 1579 use similar “in connection with...” language.

We appreciate that the Department is clarifying the applicability of its rules. Without this language, it would appear as though any non-network laboratory or imaging services would be reimbursed pursuant to the balance billing prohibitions, which was certainly not the intent of the law. TAHP and its member plans sincerely appreciate the Department’s action on this. Please contact us if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Jamie Dudensing". The signature is written in a cursive, flowing style.

Jamie Dudensing, RN
CEO
Texas Association of Health Plans