

Request for Input on MEWA Rule to Implement HB 290 (88R, 2023)

Texas Administrative Code, Title 28, Chapter 7, Subchapter S

Posting date: August 22, 2023

Comments due: September 20, 2023

The Texas Department of Insurance (TDI) is developing rules to implement [House Bill 290](#), 88th Legislature, Regular Session, 2023.

HB 290 creates a new path for multiple employer welfare arrangements (MEWAs) that provide a comprehensive health benefit plan, as determined by the commissioner of insurance. Under new Insurance Code Section 846.0035, all new MEWAs that apply for an initial certificate of authority on or after January 1, 2024, and existing MEWAs that elect for the application of the new law may take advantage of the new provisions.

Implementation items include:

- defining "comprehensive health benefit plan" for purposes of Insurance Code Section 846.0035;
- detailing what documents or forms satisfy the "demonstration" requirement in amended Insurance Code Section 846.052(b)(5);
- specifying the criteria that TDI will review to determine whether a MEWA is structured in the manner of a Preferred Provide Benefit Plan or an Exclusive Provider Benefit Plan under Insurance Code Section 846.0035(c);
- updating filing requirements for MEWAs applying for an initial certificate of authority to reflect the expanded eligibility;
- prescribing the manner in which a MEWA that already possesses a certificate of authority may elect to apply Insurance Code Section 846.0035; and
- adopting new forms, as necessary, to reflect expanded MEWA eligibility and filing requirements.

TDI will also make nonsubstantive changes throughout the rules in 28 Tex. Admin. Code Chapter 7, Subchapter S, to reflect current agency drafting style and plain language preferences, such as replacing outdated Insurance Code citations with recodified citations.

TDI seeks stakeholder input on its implementation of HB 290. Questions to consider when giving input are included on the document titled [Concepts for Input: Implementation of HB 290](#).

The comment period for this informal working draft will close at 5 p.m. Central time, on September 20, 2023. Submit written comments to David Wheelus in the Health Market Actions Section at HMAS@tdi.texas.gov.