

# TEXAS MANDATED HEALTH BENEFITS

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While every effort is made to ensure the accuracy of the information in this chart, please consult the Texas Insurance Code (TIC), the Texas Administrative Code (TAC), and other applicable state and federal laws about the extent and nature of applicable requirements. Applicable statutes and regulations govern; this chart should not be considered to provide legal guidance and is intended only as an educational resource.

## Applicability:

The chart below shows the benefits that must be included in fully insured major medical plans in Texas. The state laws addressed in this chart do not apply to self-funded health plans commonly offered by large employers and exempted from state law by ERISA. Unless otherwise noted, these requirements apply both to plans offered by health maintenance organizations (HMOs) and carriers writing preferred provider benefit plans or exclusive provider benefit plans. More information regarding the required benefits is available via links to the applicable Texas statutes and rules. If you are concerned about the way your plan is providing a mandated benefit, you may [file a complaint](#) with the Texas Department of Insurance.

## Interaction between state and federal law:

The chart reflects Texas requirements and is not designed to contain all federal requirements. The columns addressing State Law for individual, small group, and large group plans describe the applicability of the Texas statutes as they were drafted. Since 2014, the federal Affordable Care Act (ACA) requires any health plan sold in the individual and small group market to include ten categories of Essential Health Benefits (EHBs), in addition to complying with state laws. The Federal Law (EHB) column reflects that most state mandates are considered EHBs, and in some cases, the federal EHB requirement effectively expands the applicability of the mandate to plans beyond those originally included in the state law. Certain mandated offers and laws specific to HMOs are not considered EHB. These state laws continue to apply as described by the chart. [Read more about federal EHB requirements.](#)

## Grandfathered and transitional plans:

If your health plan has been the same since before March 23, 2010 (when Congress passed the ACA), your plan might be “grandfathered” and exempt from some federal mandates. Additionally, some plans issued prior to 2014 are exempt from EHB requirements under a [transitional policy](#).

## Consumer Choice Plans:

Texas law ([TIC Ch. 1507](#) and [28 TAC Ch. 21, Sub Ch. AA](#)) allows “[Consumer Choice Plans](#)” (CCPs), to exclude coverage for certain state mandates. But a CCP cannot exclude a benefit required by federal law. Applicable federal laws include:

- Affordable Care Act (ACA) of 2010 – includes essential health benefits (EHB) at [42 USC §18022](#) and [45 CFR Part 156, Subpart B](#), and coverage for [certain preventive services](#) without cost sharing at [42 USC §300gg-13](#)
- Newborns’ and Mothers’ Health Protection Act of 1996 – maternity minimum stay under [29 USC §1185](#) and [42 USC §300gg-51](#)
- Women’s Health and Cancer Rights Act of 1998 – breast reconstruction following mastectomy under [29 USC §1185b](#) and [42 USC §300gg-52](#)
- Pregnancy Discrimination Act of 1978 – via amendment to title VII of the Civil Rights Act of 1964 at [42 USC §2000e\(k\)](#)

The chart indicates whether a CCP plan must include coverage for each mandate and where applicable cites the reason the mandate applies.

Categories of Mandated Benefits	Federal Law (EHB): Individual & Small Group	State Law Sources	State Law: Individual	State Law: Small Group	State Law: Large Employer, Association Plans	State Law: Consumer Choice Plans (CCP)
<b>HMO-Specific Mandates</b>						
<b>HMO Basic Health Care Services</b> - without limit on time or cost	Yes; services are EHB but visit limits may apply	<a href="#">TIC Ch. 1271 Subch. D</a> <a href="#">28 TAC §11.508(d)</a>	HMO only	HMO only - as applicable	HMO only	CCPs must cover but may impose time and cost limits
<b>Rehabilitation Therapies – constraints on coverage limits</b> - without limit if meets treatment goals	Yes; services are EHB but visit limits may apply	<a href="#">TIC §1271.156</a>	HMO only	HMO only	HMO only	CCPs must cover but may impose time and cost limits
<b>HMO Cost Sharing Restrictions:</b> - copays may not exceed 50% of cost of service - copays may not exceed 200% of annual premium - no deductible may apply	No; federal actuarial value provisions and out-of-pocket maximums apply	<a href="#">28 TAC §11.506(b)(2)</a>	HMO only	HMO only	HMO only	No; CCPs may impose deductibles and higher copayment amounts
<b>All Other Mandates</b>						
<b>Home Health</b>	Yes	<a href="#">TIC Ch. 1351</a> for insurance <a href="#">28 TAC §11.508(a)(1)(G)</a> for HMO	No (Required for HMO)	Offer (Required for HMO)	Offer (Required for HMO)	Yes – individual and small group (federal law); No – large group; (HMO must cover, but may apply limits)

Categories of Mandated Benefits	Federal Law (EHB): Individual & Small Group	State Law Sources	State Law: Individual	State Law: Small Group	State Law: Large Employer, Association Plans	State Law: Consumer Choice Plans (CCP)
<b>Acquired Brain Injury</b>	Yes	<a href="#">TIC Ch. 1352</a> <a href="#">28 TAC Ch. 21, Subch. W</a>	Yes	Yes	Yes	Yes – individual and small group (federal law); No – large group
<b>Autism Spectrum Disorder</b>	Yes	<a href="#">TIC §1355.015</a> <a href="#">28 TAC Ch. 21, Subch. JJ</a>	No	Yes	Yes	Yes – small group (federal law); No – large group
<b>Serious Mental Illness, Crisis Stabilization Unit, Residential Treatment Center for Children and Adolescents, and Psychiatric Day Treatment Facilities; Parity Offer – Inpatient Treatment of Mental or Emotional Illness or Disorder; Chemical Dependency</b>	Yes  See also <a href="#">42 USC §300gg-26</a> and <a href="#">45 CFR §146.136</a>	<a href="#">TIC Ch. 1355</a> - <a href="#">§1355.004</a> - <a href="#">§1355.053</a> - <a href="#">§1355.104</a>  <a href="#">TIC §1355.254</a> <a href="#">28 TAC Ch. 21, Subch. P</a>  <a href="#">TIC §1355.106</a>  <a href="#">TIC Ch. 1368</a> <a href="#">28 TAC Ch. 3, Subch. HH</a>	<u>SMI:</u> No  <u>Parity:</u> Yes  <u>Offer:</u> No  <u>Chem. Dep.:</u> No	<u>SMI:</u> Offer  <u>Parity:</u> Yes  <u>Offer:</u> Yes  <u>Chem. Dep.:</u> Yes	<u>SMI:</u> Yes;  <u>Parity:</u> Yes  <u>Offer:</u> Yes  <u>Chem. Dep.:</u> Yes	<u>SMI:</u> Yes TIC §1507.003(b)(7) and §1507.053(b)(6)  <u>Parity:</u> Yes  <u>Offer:</u> No  <u>Chem. Dep.:</u> Yes – small group (federal law); No – large group

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<b>Reconstructive Surgery Following Mastectomy; and Minimum Stay for Mastectomy or Lymph Node Dissection</b>	<u>Surgery:</u> Yes  <u>Minimum stay:</u> Yes	<a href="#">TIC Ch. 1357</a> <a href="#">28 TAC §11.508(b)(1)</a> <a href="#">42 USC §300gg-52</a>	<u>Surgery:</u> Yes  <u>Minimum stay:</u> Yes	<u>Surgery:</u> Yes  <u>Minimum stay:</u> No	<u>Surgery:</u> Yes  <u>Minimum stay:</u> Yes	<u>Surgery:</u> Yes – federal law, Women’s Health and Cancer Rights Act of 1998; <u>Minimum stay:</u> Yes – individual (federal law); No – large group
<b>Diabetes – Minimum Coverage and Supplies and Services</b>	Yes	<a href="#">TIC Ch. 1358</a> <a href="#">Subchapter A</a> and <a href="#">Subchapter B</a> <a href="#">28 TAC Ch. 21, Subch. R</a> <a href="#">28 TAC §11.508(b)(3)</a>	Yes	No	Yes	<u>Subchapter A:</u> No <u>Subchapter B and rules:</u> Yes TIC §1507.003(b)(6) 28 TAC §11.508(b)(3)
<b>Formulas for Phenylketonuria (PKU) or other Heritable Diseases</b>	Yes	<a href="#">TIC Ch. 1359</a> <a href="#">28 TAC §11.509(6)</a>	No	Yes	Yes	Yes TIC §1507.003(b)(10) 28 TAC §11.509(6)
<b>Temporomandibular Joint (TMJ)</b>	Yes	<a href="#">TIC Ch. 1360</a>	No	No	Yes	No
<b>In Vitro Fertilization</b>	No	<a href="#">TIC Ch. 1366, Subch. A</a>	No	Offer	Offer	No

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<b>Maternity Minimum Stay – if Maternity is Covered</b>	Yes	<a href="#">TIC Ch. 1366, Subch. B</a> <a href="#">28 TAC §11.508(b)(2)</a>	Yes	Yes	Yes	Yes federal law: Newborns' and Mothers' Health Protection Act of 1996; and Pregnancy Discrimination Act of 1978
<b>Complications of Pregnancy Covered as any other Illness</b>		<a href="#">42 USC §300gg-51</a> <a href="#">28 TAC §21.405</a> <a href="#">42 USC §2002e(k)</a>				
<b>Reconstructive Surgery for Craniofacial Abnormalities</b>	Yes	<a href="#">TIC Ch. 1367, Subch. D</a>	Yes	No	Yes	Yes TIC §1507.003(b)(9) 28 TAC §11.509(5)
<b>Hearing Aids and Cochlear Implants for Children; and Offer of Speech and Hearing</b>	Yes	<a href="#">TIC Ch. 1367, Subch. E</a>  <a href="#">TIC Ch. 1365</a>	<u>Children:</u> Yes <u>Offer:</u> No	<u>Children:</u> Yes <u>Offer:</u> Yes	<u>Children:</u> Yes <u>Offer:</u> Yes	<u>Children:</u> Yes <u>Offer:</u> Yes – small group (federal law); No – large group
<b>Developmental Delays</b>	Rehabilitative and habilitative therapies are covered, but visit limits may apply	<a href="#">TIC Ch. 1367, Subch. E</a>	Offer	No	Offer	No
<b>Off-Label Drugs for Chronic, Disabling, or Life-Threatening Illness</b>	Yes	<a href="#">TIC Ch. 1369 Subch. A</a> <a href="#">28 TAC Ch. 21, Subch. V, Division 3</a>	Yes	No	Yes	No

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<b>Oral Anticancer Medications</b>	Yes	<a href="#">TIC Ch. 1369, Subch. E</a>	Yes	Yes	Yes	Yes – individual and small group (federal law); No – large group
<b>Ovarian Cancer, Diagnostic Examination</b>	Yes (diagnostic, laboratory services)	<a href="#">TIC Ch. 1370</a>	Yes	Yes	Yes	Yes TIC §1507.003(b)(12)(D) and §1507.053(b)(7)(D)
<b>Prosthetic and Orthotic Devices and Related Services</b>	Yes	<a href="#">TIC Ch. 1371</a>	Yes	Yes	Yes	Yes – individual and small group (federal law); No – large group
<b>Amino Acid-Based Formulas</b>	Yes	<a href="#">TIC Ch. 1377</a>	Yes	Yes	Yes	Yes – individual and small group (federal law); No – large group
<b>Transplant Donor Coverage</b>	Yes	<a href="#">28 TAC §3.3040(h)</a>	Yes	No	No	Yes – individual (federal law); No – large group
<b>Preventive Services</b>						
<b>Breast Cancer Screening (Screening and Diagnostic Mammography, all forms)</b>	Yes also federal preventive service	<a href="#">TIC Ch. 1356</a> <i>See also <a href="#">TIC Ch. 1653</a>, which allows an HSA-qualified plan to apply cost-sharing beyond what would otherwise be permitted under <a href="#">1356.005(a-1)</a></i>	Yes	Yes	Yes	Yes TIC §1356.002(h) §1507.003(b)(12)(A) §1507.053(b)(7)(A) and federal law

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<b>Osteoporosis Screening</b>	Yes also federal preventive service	<a href="#">TIC Ch. 1361</a>	No	Yes	Yes	Yes federal law, ACA preventive services
<b>Prostate Cancer Screening</b>	Yes	<a href="#">TIC Ch. 1362</a> <a href="#">TIC §1575.159</a>	Yes	No	Yes	Yes TIC §1507.003(b)(12)(B) §1507.053(b)(7)(B)
<b>Colorectal Cancer Screening</b>	Yes also federal preventive service	<a href="#">TIC Ch. 1363</a>	Yes	No	Yes	Yes TIC §1507.003(b)(12)(C) §1507.053(b)(7)(C)
<b>Immunizations through age 6 without Cost-Sharing</b>	Yes also federal preventive service	<a href="#">TIC Ch. 1367 Subch. B</a> <a href="#">28 TAC §11.508(a)(1)(H)(ii)</a>	Yes	No	Yes	Yes TIC §1507.003(b)(8) 28 TAC §11.508(a)(1)(H)(ii) and federal law
<b>Newborn Hearing Screening</b>	Yes also federal preventive service	<a href="#">TIC Ch. 1367, Subch. C</a> <a href="#">28 TAC §11.508(a)(1)(H)(v)</a>	Yes	No	Yes	Yes TIC §1507.003(b)(8) 28 TAC §11.508(a)(1)(H)(v) and federal law
<b>Newborn Screening</b>	Yes also federal preventive service	<a href="#">TIC §1271.154</a> <a href="#">TIC §1367.003</a>	Yes	Yes	Yes	Yes TIC §1507.003(b)(4)(B) and federal law, ACA preventive services
<b>Prescription Contraceptive Drugs and Devices and Related Services; Nondiscrimination</b>	Yes subject to religious exemption also federal preventive service	<a href="#">TIC Ch. 1369 Subch. C</a> <a href="#">28 TAC §21.404</a>	Yes subject to religious exemption	Yes subject to religious exemption	Yes subject to religious exemption	Yes federal law, ACA preventive services, subject to religious exemption

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<b>Human Papillomavirus and Cervical Cancer Screening</b>	Yes also federal preventive service	<a href="#">TIC Ch. 1370</a>	Yes	Yes	Yes	Yes TIC §1507.003(b)(12)(D) and §1507.053(b)(7)(D) and federal law
<b>Cardiovascular Disease Screening</b>	Yes	<a href="#">TIC Ch. 1376</a>	Yes	Yes	Yes	Yes – individual and small group (federal law); No – large group