HEALTH MAINTENANCE ORGANIZATION
PHYSICIAN/PROVIDER CHECKLIST

The reader must verify all requirements, and the accuracy and completeness of this checklist, by consulting the Texas Insurance Code (TIC), Title 28 of the Texas Administrative Code (28 TAC) and other applicable laws relating to health maintenance organizations (HMO) and physicians/health care providers or by asking legal advice from his or her own attorney.

NOTE: The Texas Department of Insurance does not administer or regulate subject entities or individuals solely by the use of this checklist.

FILING REQUIREMENTS
HMO must file a copy of the form of any new contract or subcontracts or any substantive changes to previously filed copies of the contracts.

DEFINITIONS (SAMPLES ONLY)
Definition of “physician”
TIC §843.002
Definition of “provider”
TIC §843.002
Definition of “institutional provider”
28 TAC §11.2

HMO CERTIFICATE OF AUTHORITY-APPLICABILITY
Applicability to physicians & providers
TIC §843.073
TIC §843.101
TIC §843.318
Applicability to medical school & medical & dental unit
§843.074

REQUIRED PROVISIONS IN PHYSICIAN AND PROVIDER CONTRACTS
Hold-harmless provision (contracts and subcontracts)
TIC §843.361
28 TAC §11.901(a)(1)
28 TAC §11.204(13)(B)
Retaliatory action prohibited
TIC §843.281, TIC
28 TAC §11.901(a)(2)
Continuity of treatment for an enrollee who has a special circumstance
TIC §843.362
28 TAC §11.901(a)(3)
Termination of physician/provider and notice to enrollees
TIC §§843.306 - 843.309
28 TAC §§11.901(a)(4) & 11.901(a)(5)
Posting complaint notice in physician/provider office
TIC §843.283
28 TAC §11.901(a)(6)
Certain indemnity clauses prohibited
TIC §843.310
28 TAC §11.901(a)(7)
Prompt payment of claims & submission of clean claims
TIC Chapter 843, Subchapter J
28 TAC §11.901(a)(8)
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electronic health care transactions</td>
<td>• 28 TAC Chapter 21, Subchapter T</td>
</tr>
</tbody>
</table>
| Rejection of batched claims (required contract provision when requested by physician or provider) | • TIC Chapter 1213  
• 28 TAC §11.901(a)(13)  
• 28 TAC §21.3701 |
| Capitation                                                                 | • TIC §§843.315 & 843.316  
• 28 TAC §11.901(a)(9) |
| Selection of primary physician/provider                                   | • TIC §843.315  
• 28 TAC §11.901(a)(10) |
| Fee schedules and coding procedures - disclosure of certain information   | • TIC §843.321  
• 28 TAC §11.901(a)(11) |
| Podiatrist - requirements for contract with podiatrist                    | • TIC §843.311  
• 28 TAC §11.901(a)(12) |
| Dentist - requirements for contract with dentist                          | TIC §843.3115 |
| Hospitalist                                                               | • TIC §843.320  
• 28 TAC §11.902 |
| Pharmacist contract - immunization and vaccination protocols              | 28 TAC §11.904(b) |

**APPLICABLE REQUIREMENTS RELATING TO PHYSICIAN AND PROVIDER** (These are only samples of requirements relevant to providers and the reader must review TIC and TDI rules for all requirements.)

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disclosure to physician or provider of application procedures and qualification requirements</td>
<td>TIC §843.302</td>
</tr>
<tr>
<td>Annual application period for physicians &amp; providers</td>
<td>TIC §843.305</td>
</tr>
<tr>
<td>Denial of initial contract - Notice</td>
<td>TIC §843.303(a)</td>
</tr>
<tr>
<td>Exclusion of provider based on type of license prohibited</td>
<td>TIC §843.304</td>
</tr>
</tbody>
</table>
| Physician and provider communications                                     | • TIC §843.363  
• 28 TAC §11.903 |
| Inducement to limit medically necessary services prohibited               | TIC §843.314 |
| Acupuncturist services                                                    | TIC §843.3041 |
| Nurse first assistant                                                     | • TIC §843.3045  
• 28 TAC §11.902 |
| Podiatrist                                                                | • TIC §§843.303(c) & 843.319  
• 28 TAC §11.902 |
| Physician assistant and advanced practice nurse                           | • TIC §843.312  
• 28 TAC §11.902 |
| Optometrists, therapeutic optometrists, and ophthalmologists-Prohibited Conduct by HMO (new law per SB 684, 84th Regular Leg., effective 9/1/2015) | TIC §1451.156 |
| Economic profiling                                                        | TIC §843.313 |
| Provision of services related to immunizations and vaccinations           | • TIC Chapter 1353  
• 28 §11.904(a) |
<p>| Designation of specialist as primary care physician (chronic, disabling, or life-threatening illnesses) | TIC Chapter 1271, Subchapter E |
| Out-of-network services – covered services not available through network physicians or providers | TIC §1271.055 |
| Facility-based physicians – disclosure of status                          | TIC Chapter 1456 |
| Standard request form for prior authorization of health care services      | TIC Chapter 1217 |</p>
<table>
<thead>
<tr>
<th>Topic</th>
<th>Chapter/Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electronic transmission of eligibility and payment status</td>
<td>TIC Chapter 1274</td>
</tr>
<tr>
<td>Disclosure of reimbursement guidelines – non-network health care provider</td>
<td>TIC Chapter 1453</td>
</tr>
<tr>
<td>Equal health care for women</td>
<td>TIC Chapter 1453</td>
</tr>
<tr>
<td>Provider network contract arrangements</td>
<td>TIC Chapter 1454</td>
</tr>
<tr>
<td>Physician rankings</td>
<td>TIC Chapter 1458</td>
</tr>
<tr>
<td>Health information technology – “real-time information”</td>
<td>TIC Chapter 1661</td>
</tr>
<tr>
<td><strong>PHYSICIAN AND PROVIDER CREDENTIALS</strong></td>
<td></td>
</tr>
</tbody>
</table>
| Credentialing of physicians and providers by HMO                     | • TIC Chapter 1452, Subchapter A  
• 28 TAC §11.1902                                                     |
| Expedited credentialing – physicians, podiatrists, and therapeutic optometrists | TIC Chapter 1452, Subchapters C, D, E |
| Provisional credentialing status                                     | TIC Chapter 1457            |

If you have questions or require assistance regarding the information provided in this checklist, please call 512-676-6400, select Option 8.

**NOTICE ABOUT CERTAIN INFORMATION LAWS AND PRACTICES**

With few exceptions, you are entitled to be informed about the information that the Texas Department of Insurance (TDI) collects about you. Under sections 552.021 and 552.023 of the Texas Government Code, you have a right to review or receive copies of information about yourself, including private information. However, TDI may withhold information for reasons other than to protect your right to privacy. Under section 559.004 of the Texas Government Code, you are entitled to request that TDI correct information that TDI has about you that is incorrect. For more information about the procedure and costs for obtaining information from TDI or about the procedure for correcting information kept by TDI, please contact the Agency Counsel Section of TDI’s General Counsel Division at (512) 676-6551 or visit the Corrections Procedure section of TDI’s website at www.tdi.texas.gov.