

## Health Maintenance Organization (HMO) Physician / Provider Contract Requirements

This document is provided as a resource when establishing contracts between HMOs and providers. The reader must verify all requirements, and the accuracy and completeness of the information provided 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 using this document.

### Filing Requirements

Page \_\_\_\_\_ : 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 - [28 TAC Section 11.301\(4\)\(C\)](#)

### HMO Definitions

Page \_\_\_\_\_ : Texas Insurance Codes - [TIC Section 843.002](#)

Page \_\_\_\_\_ : Texas Administrative Code - [28 TAC Section 11.2](#)

### HMO Certificate of Authority Applicability

Page \_\_\_\_\_ : Applicability to physicians & providers - [TIC Section 843.073](#), [TIC Section 843.101](#)

Page \_\_\_\_\_ : Applicability to medical school & medical & dental unit - [TIC Section 843.074](#)

### Required Provisions in Physician and Provider Contracts

Page \_\_\_\_\_ : Hold harmless provision (contracts and subcontracts) - [TIC Section 843.361](#), [28 TAC Section 11.901\(a\)](#)

Page \_\_\_\_\_ : Retaliatory action prohibited - [TIC Section 843.281](#), [28 TAC Section 11.901\(b\)\(1\)](#)

Page \_\_\_\_\_ : Continuity of treatment for an enrollee who has a special circumstance - [TIC Section 843.362](#), [28 TAC Section 11.901\(b\)\(2\)](#)

Page \_\_\_\_\_ : Termination of physician/provider and notice to enrollees - [TIC Section 843.306 – 843.309](#), [28 TAC Section 11.901\(d\)](#)

Page \_\_\_\_\_ : Posting complaint notice in physician/provider office - [TIC Section 843.283](#), [28 TAC Section 11.901\(b\)\(4\)](#)

Page \_\_\_\_\_ : Certain indemnity clauses prohibited - [TIC Section 843.310](#), [28 TAC Section 11.901\(b\)\(5\)](#)

Page \_\_\_\_\_ : Prompt payment of claims & submission of clean claims - [TIC Chapter 843, Subchapter J, 28 TAC Section 11.901\(b\)\(6\), 28 TAC Chapter 21, Subchapter T](#)

Page \_\_\_\_\_ : Electronic health care transactions - [TIC Chapter 1213, 28 TAC Section 11.901\(b\)\(10\), 28 TAC Section 21.3701](#)

Page \_\_\_\_\_ : Rejection of batched claims (required contract provision when requested by physician or provider) - [TIC Section 843.323, 28 TAC Section 11.901\(b\)\(10\)](#)

Page \_\_\_\_\_ : Capitation - [TIC Section 843.315 & 843.316, 28 TAC Section 11.901\(b\)\(7\)](#)

Page \_\_\_\_\_ : Selection of primary physician/provider - [TIC Section 843.315, 28 TAC Section 11.901\(b\)\(8\)](#)

Page \_\_\_\_\_ : Fee-schedules and coding procedures – disclosure of certain information - [TIC Section 843.321, 28 TAC Section 11.901\(c\)\(1\)\(A\)\(i\)](#)

Page \_\_\_\_\_ : Podiatrist – requirements for contract with podiatrist - [TIC Section 843.311, 28 TAC Section 11.901\(b\)\(9\)](#)

Page \_\_\_\_\_ : Dentist – requirements for contract with dentist - [TIC Section 843.3115](#)

Page \_\_\_\_\_ : Hospitalist - [TIC Section 843.320, 28 TAC Section 11.902,](#)

Page \_\_\_\_\_ : Pharmacist contract – immunization and vaccination protocols - [28 TAC Section 11.904\(b\)](#)

### **Applicable Requirements Relating to Physician and Provider**

These are only samples of requirements relevant to providers and the reader must review the TIC and TDI rules for all requirements.

Page \_\_\_\_\_ : Disclosure to physician or provider of application procedures and qualification requirements - [TIC Section 843.302](#)

Page \_\_\_\_\_ : Annual application period for physicians & providers - [TIC Section 843.305](#)

Page \_\_\_\_\_ : Denial of initial contract – Notice [TIC Section 843.303\(a\)](#)

Page \_\_\_\_\_ : Exclusion of provider based on type of license prohibited - [TIC Section 843.304](#)

Page \_\_\_\_\_ : Physician and provider communications - [TIC Section 843.363, 28 TAC Section 11.903](#)

Page \_\_\_\_\_ : Inducement to limit medically necessary services provided - [TIC Section 843.314](#)

Page \_\_\_\_\_ : Acupuncturist services - [TIC Section 843.3041](#)

Page \_\_\_\_\_ : Nurse first assistant - [TIC Section 843.3045, 28 TAC Section 11.902](#)

Page \_\_\_\_\_ : Podiatrist - [TIC Section 843.303\(c\), TIC Section 843.319, 28 TAC Section 11.902](#)

Page \_\_\_\_\_ : Physician assistant and advanced practice nurse - [TIC Section 843.312](#), [28 TAC Section 11.902](#)

Page \_\_\_\_\_ : Optometrists, therapeutic optometrists, and ophthalmologist-Prohibited Conduct by HMO - [TIC Section 1451.156](#)

Page \_\_\_\_\_ : Economic profiling - [TIC Section 843.313](#)

Page \_\_\_\_\_ : Provision of services related to immunizations and vaccinations - [TIC Chapter 1353](#), [28 Section 11.904\(a\)](#)

Page \_\_\_\_\_ : Designation of specialist as primary care physician (chronic, disabling, or life-threatening illnesses - [TIC Chapter 1271](#), [Subchapter E](#)

Page \_\_\_\_\_ : Out-of-network services – covered services not available through network physicians or providers - [TIC Section 1271.055](#)

Page \_\_\_\_\_ : Facility-based physicians – disclosure of status - [TIC Chapter 1456](#)

Page \_\_\_\_\_ : Standard request form for prior authorization of health care services - [TIC Chapter 1217](#)

Page \_\_\_\_\_ : Electronic transmission of eligibility and payment status - [TIC Chapter 1274](#)

Page \_\_\_\_\_ : Disclosure of reimbursement guidelines – non-network health care provider - [TIC Chapter 1453](#)

Page \_\_\_\_\_ : Equal health care for women - [TIC Chapter 1454](#)

Page \_\_\_\_\_ : Provider network contract arrangements - [TIC Chapter 1458](#)

Page \_\_\_\_\_ : Physician rankings - [TIC Chapter 1460](#)

Page \_\_\_\_\_ : Health information technology – “real time information” - [TIC Chapter 1661](#)

## **Physician and Provider Credentials**

Page \_\_\_\_\_ : Credentialing of physicians and providers by HMO - [TIC Chapter 1452](#), [Subchapter A](#), [28 TAC Section 11.1902](#)

Page \_\_\_\_\_ : Expedited credentialing – physicians, podiatrists, and therapeutic optometrists - [TIC Chapter 1452](#), [Subchapters C, D, E](#)

Page \_\_\_\_\_ : Provisional credentialing status - [TIC Chapter 1457](#)

## **Questions**

If you have questions or require assistance regarding the information provided in this document, please call 512-676-6400, select Option 3.

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