

Evidence Of Coverage (EOC) Checklist

Small Employer and Conversion Plans

Every effort has been made to ensure the accuracy of the information in this document. All parties should consult the Texas Insurance Code (TIC), the Texas Administrative Code (TAC), and other applicable laws.

Filing Requirements

Page _____ : HMOs must file the evidence of coverage and related forms, including the member handbook for all plans other than CHIP plans, for approval prior to issuance - [TIC Section 1271.101](#), and [28 TAC Section 11.301\(4\)](#) and [Section 11.501](#)

Chip member handbooks are filed for information - [28 TAC Section 11.301\(5\)](#)

Page _____ : All variable material must be bracketed and include an explanation of variability - [28 TAC Section 11.505\(e\)](#)

Page _____ : Certification of plain language requirements (transmittal checklist) - [28 TAC Section 3.601](#), [Section 3.602](#), [Section 11.505\(f\)](#) and [Section 26.14\(b\)](#)

Page _____ : Insert Pages - replacement page; may be filed with or subsequent to approval or review of an evidence of coverage or written plan description, including a member handbook - 28 TAC Section 11.2(b)(22) and [Section 11.505\(h\) - \(j\)](#)

Page _____ : Matrix Filings - must identify each provision with a unique form number that is sufficient to distinguish it as a matrix filing - [28 TAC Section 11.2\(b\)\(27\)](#) and [Section 11.505\(g\)](#)

Mandatory EOC Provisions

Complaint and Appeal Procedures:

Page _____ : Complaints and appeals - [TIC Sections 843.251 - 843.262](#) and [Section 1271.054](#), and [28 TAC Section 11.506\(b\)\(5\)](#)

Page _____ : A statement that an HMO will not engage in retaliatory action against an enrollee filing a complaint - [TIC Section 843.281](#)

Preauthorization Procedures:

Page _____ : Preauthorization - Favorable determination of medical necessity - [TIC Section 843.348](#) and [28 TAC Section 19.1718\(d\)](#)

Page _____ : A plan may not require preauthorization if the provider has an exemption for the service, consistent with [TIC Chapter 4201](#), Subchapter N as added by HB 3459

Page _____ : Preauthorization renewal - a plan that requires preauthorization must provide a preauthorization renewal process that permits a renewal request at least 60 days before an existing preauthorization expires - [TIC Sections 1222.003 - 1222.004](#) and [Section 843.348](#) (definition of preauthorization)

Page _____ : Web-based access to preauthorization requirements - information about preauthorization requirements must be publicly accessible on the plan's website - [TIC Section 843.3481](#)

Adverse Determination Procedures - Utilization Review:

Page _____ Adverse determination - services provided or proposed are determined not medically necessary or experimental and investigational - [TIC Section 4201.002](#) and [Section 4201.304 - 4201.305](#)

Page _____ Adverse determination - prescription drugs:

- The denial of a formulary exception request or a step therapy protocol exception request is considered an adverse determination - [TIC Section 1369.056](#) and [Section 1369.0546\(f\)](#).
- A plan must provide 30 days' notice for a concurrent review prior to discontinuing coverage for a prescription drug or intravenous infusion for which an enrollee is receiving benefits - [TIC Section 4201.304\(b\)](#).
- Step therapy exception requests qualify for an expedited review - [TIC Section 4201.357\(a-2\)](#) and [Section 4202.003](#).

Page _____ : Adverse determination - retrospective review - [TIC Section 4201.305](#)

Adverse Determination Appeal Procedures - Utilization Review - [TIC Section 4201.351 - 4201.3601](#):

Page _____ : Parity - nonquantitative treatment limits. Utilization review criteria and processes must be no more restrictive for mental health and substance use disorder treatment than for medical or surgical treatment - [TIC Section 1355.254](#)

Page _____ : Adverse determination - appeal - [TIC Section 4201.359](#) and [Section 1369.056](#)

Page _____ : Adverse determination - expedited appeal for denial of emergency care, continued hospitalization, prescription drugs or intravenous infusions - [TIC Section 4201.357](#)

Page _____ : Adverse determination - immediate appeal to independent review organization (IRO) for a life threatening condition, prescription drugs or intravenous infusions - [TIC Sections 4201.360 - 4201.457](#)

Continuation of Coverage - [TIC Section 1271.301 - 1271.304](#), and [28 TAC Section 21.5302](#), [Section 21.5310 – 21.5314](#) and [Section 26.14\(a\)](#):

Page _____ : Enrollee must send written notice of election to continue coverage no later than 60 days

Page _____ : Enrollee shall make payment no later than 45 days after the initial election for coverage and on the due date of each month thereafter

Page _____ : Following the first payment made, payments considered timely if made by the 30th day after the date payment is due

Page _____ : Enrollees not eligible for COBRA are entitled to 9 months Continuation coverage

Page _____ : Enrollees eligible for COBRA, entitled to continuation of coverage for an additional 6 months

Eligibility and Enrollment Standards:

Page _____ : Eligibility requirements - [28 TAC Section 11.506\(b\)\(8\)](#)

Page _____ : Adopted children - [TIC Section 1501.608](#), and [28 TAC Section 11.506\(b\)\(8\)\(A\)\(i\)](#), [Section 26.9\(a\)\(5\) - \(8\)](#)

Page _____ : Affiliation period - imposed by HMO (cannot exceed 60 days for enrollees and 90 days for late enrollees) - [TIC Section 1501.104](#), and [28 TAC Section 26.9\(a\)\(9\) and \(16\) - \(18\)](#)

Page _____ : Court-ordered medical and dental child support - [TIC Section 1501.008\(c\)\(3\)](#) and [Sections 1504.001 - 1504.102](#), and [28 TAC Section 11.506\(b\)\(8\)\(A\)\(iv\)](#) and [Sections 21.2001 - 21.2011](#)

Page _____ : Dependent Coverage - must offer dependent coverage to each eligible employee - [28 TAC Section 26.14\(c\)](#)

Page _____ : Grandchildren - limiting age for children and grandchildren must be stated in the EOC - [TIC Section 1201.062](#), [Section 1271.005\(e\)](#) and [Section 1271.006](#), and [28 TAC Section 11.506\(b\)\(8\)\(E\)](#)

Page _____ : Handicapped child - a covered disabled child's attainment of limiting age does not operate to terminate the coverage of such child - [TIC Section 1501.002\(2\)\(C\)](#) and [28 TAC Section 11.506\(b\)\(17\)](#)

Page _____ : Late enrollment and late enrollee exceptions - [TIC Section 1501.008](#) and [Section 1501.156](#), and [28 TAC Section 26.4\(29\)](#) and [Section 26.9](#)

Page _____ : Limiting age - subscriber and dependents - [28 TAC Section 11.506\(b\)\(8\)\(C\)](#)

Page _____ : New enrollees - special enrollment in accordance with 45 C.F.R. 146.117 (HIPAA) - [28 TAC Section 11.509\(2\)](#)

Page _____ : Newborns - [TIC Section 1501.002\(2\)\(B\)](#) and [Section 1501.157](#), and [28 TAC Section 11.506\(b\)\(8\)\(D\)](#) and [Section 26.9\(a\)\(4\)](#)

Page _____ : Newly acquired dependents - [28 TAC Section 11.506\(b\)\(8\)\(B\)](#)

Page _____ : Open enrollment - [TIC Section 1501.606](#), and [28 TAC Section 26.7\(h\)\(4\)](#)

Page _____ : Participation criteria - determined by HMO - [TIC Section 1501.154](#), [Section 1501.155](#) and [Section 1501.203](#)

Page _____ : Student coverage - termination due to change in student enrollment status - [TIC Section 1501.002\(2\)](#) and [Sections 1503.001 - 1503.003](#), and [28 TAC Section 11.506\(b\)\(18\)](#)

Page _____ : Waiting period - determined by the employer for new employees - [TIC Section 1501.002\(17\)](#), [Section 1501.105](#) and [Section 1501.156](#)

Note: Eligible Employee does not include employees within their waiting or affiliation period for percentage of participation requirements - [28 TAC Section 26.8\(b\)](#)

Other Mandatory EOC Provisions:

Page _____ : Cancellation or termination of contract - [TIC Section 843.208](#) and [Section 1501.108](#), and [28 TAC Section 11.506\(b\)\(3\)\(A\) - \(C\)](#) and [Section 26.15](#) group plans

Page _____ : Conformity with state law - [28 TAC Section 11.506\(b\)\(19\)](#)

Page _____ : Definitions - [28 TAC Section 11.506\(b\)\(6\)](#)

Page _____ : Effective date - [28 TAC Section 11.506\(b\)\(7\)](#)

Page _____ : Entire contract, amendments - [28 TAC Section 11.506\(b\)\(10\)](#)

Page _____ : Exclusions and limitations - [28 TAC Section 11.506\(b\)\(11\)](#)

Page _____ : Face page - HMO name, address, website address, telephone number, and toll-free telephone number - [TIC Section 521.102](#), and [28 TAC Section 11.506\(b\)\(1\)](#)

Page _____ : Face page - Toll-Free Notice (English/Spanish) - [28 TAC Section 1.601](#) and [Section 11.506\(b\)\(1\)\(C\)](#)

Page _____ : Facility-based physicians and balance billing - required statement - [TIC Section 1456.003](#), and [28 TAC Section 11.506\(b\)\(2\)\(C\)](#)

Page _____ : Grace period - [28 TAC Section 11.506\(b\)\(12\)](#)

Page _____ : Incontestability - [28 TAC Section 11.506\(b\)\(13\)](#)

Page _____ : Mandatory Benefit Notices - [28 TAC Section 21.2103 - 21.2106](#)

Page _____ : Mandatory Disclosure Requirements - Notice of rights must be included in all evidence of coverages, certificates, disclosures of plan terms, and member handbooks - [28 TAC Section 11.1612\(c\)](#)

Page _____ : Medicare Supplement and Long-Term Care - conformity with minimum standards, if applicable - [28 TAC Section 11.506\(b\)\(20\)](#)

Page _____ : Chiropractic services - plan may not deny reimbursement for a medically necessary service covered by the plan solely because the service is performed by a chiropractor if the service is within the scope of the chiropractor's license - [TIC Section 843.3042](#)

Page _____ : Services provided by pharmacist - plan may not deny reimbursement to a pharmacist for a service performed within the scope of the pharmacist's license that would be covered if provided by physician, advance practice nurse, or physician assistant - [TIC Section 1451.1261\(d\)](#)

Page _____ : Out-of-Network claims; non-network physicians and providers - [28 TAC Section 11.1611](#). HMO reimbursement for:

- Services by a non-network facility-based physician in a network facility, or situations where no choice of a network physician or provider was given.
- Emergency care in a non-network facility.
- Referral to a non-network physician or provider if medically necessary covered services, other than emergency care, are not available through a network physician or provider; referrals must be approved within five business days.
- An HMO must issue payment to the non-network physician or provider at the usual and customary rate or at a rate agreed to by the HMO and the non-network physician or provider.
- Methodology used to calculate reimbursements - must comply with [28 TAC Section 11.1611\(f\)](#) and be no less favorable for mental health and substance use disorder benefits than for medical or surgical benefits - [TIC Section 1355.254](#).

Page _____ : Out-of-network services - when covered medically necessary services are not available through network physicians or providers - [TIC Section 1271.055](#), and [28 TAC Section 11.506\(b\)\(14\)](#) and [Section 11.508\(a\)](#)

Page _____ : Premiums - Group contract holder is liable for an enrollee's premiums from the time the enrollee is no longer part of the group eligible for coverage under the contract until the end of the month in which the contract holder notifies the HMO that the enrollee is no longer part of the group eligible for coverage by the contract. The enrollee remains covered by the contract until the end of that period- [TIC Section 843.210](#), and [28 TAC Section 11.506\(b\)\(12\)\(B\)](#) and [Sections 21.4001 - 21.4003](#)

Page _____ : Premium rate changes - 60-day notice - [TIC Section 1254.001\(a\) - \(g\)](#), and [28 TAC Section 11.506\(b\)\(15\)](#)

Page _____ : Prescription drug synchronization - process for medication synchronization and prorated cost sharing - [TIC Section 1369.454](#) and [Section 1369.456](#).

Page _____ : Prompt payment of enrollee claims - [TIC Section 542.051- 542.061](#) and [Section 1271.005\(c\)](#), and [28 TAC Section 11.506\(b\)\(4\)](#)

Page _____ : Service area - description and map; a ZIP code map and a provider list may meet this requirement - [28 TAC Section 11.506\(b\)\(16\)](#)

Page _____ : Schedule of benefits - copayments. Must include a statement that copayments may not exceed 50% of the total cost of services provided. An HMO must make clear that copayment charges in excess of 200% of the total annual premium cost in any calendar year will not be imposed, subject to demonstration by the enrollee that copayments in that amount have been paid in that year - [28 TAC Section 11.506\(b\)\(2\)\(A\)](#)

Note: A small employer plan may charge a copayment for childhood immunizations from birth up to age six, if covered - [28 TAC 11.506\(b\)\(2\)\(D\)](#)

Page _____ : Schedule of benefits - deductibles. An HMO may not charge a deductible for in-network services. Except for emergency care and services not available in-network, an HMO may charge an out-of-network deductible for services performed out of the HMO's service area or for services performed by an out-of-network physician or provider. A deductible must be for a specific dollar amount of the service cost - [28 TAC Section 11.506\(b\)\(2\)\(B\)](#)

Page _____ : Schedule of benefits - parity. Quantitative and nonquantitative treatment limits, including visit limits, cost sharing, and other financial requirements must be no more restrictive for mental health and substance use disorder benefits than for medical or surgical benefits - [TIC Section 1355.254](#)

Page _____ : Specialist as primary care physician - [TIC Sections 1271.201 - 1271.203](#), and [28 TAC Section 11.506\(b\)\(21\)](#)

Optional EOC Provisions

Page _____ : Arbitration (voluntary) - *mandatory binding arbitration provisions are prohibited* - [28 TAC Section 11.511\(5\)](#) and [Texas Civil Practice and Remedies Code Chapter 171](#)

Page _____ : Coordination of Benefits - plans may coordinate benefits only if the agreement includes provisions consistent with [TIC Sections 1203.001 - 1203.003](#), and [28 TAC Sections 3.3501 – 3.3510](#), and [Section 11.511\(1\)](#)

Page _____ : Conversion Privilege - [28 TAC Section 11.511\(4\)](#), [Section 21.5302](#) and [Sections 21.5320 - 21.5322](#) and [Section 26.14\(a\)](#)

Page _____ : Point of Service and POS Riders - [TIC Section 843.107](#), [Section 843.108](#), and [Sections 1273.001 -1273.004](#), and [28 TAC Sections 11.2501 - 11.2503](#), [Section 21.2901](#) and [21.2902](#)

Page _____ : Subrogation - [28 TAC Section 11.511\(2\)](#), and [Civil Practice and Remedies Code Chapter 140](#)

Optional Provisions - Group Agreements Only

Page _____ : Employer offer - 100% premium coverage - [TIC Section 1501.153\(a-1\)](#)

Mandatory Provisions - Group Agreements Only

Page _____ : Certificate - [28 TAC Section 11.509\(1\)](#)

Page _____ : New enrollees - [28 TAC Section 11.509\(2\)](#)

Basic Health Care Services - Mandatory Coverage

Services must be provided as needed without limitation as to time and cost unless permitted by statute or rule.

Page _____ : Definition of “Basic Health Care Services” - [TIC Section 843.002\(2\)](#), and [28 TAC Section 11.2\(b\)\(6\)](#) and [Section 11.508\(a\)](#)

Note: An HMO must provide basic health care services when they are provided by network physicians or providers, or by non-network physicians and providers.

Page _____ : Emergency services, including emergency transport - [TIC Section 843.002\(7\)](#) and [Section 1271.155](#), and [28 TAC Section 11.506\(b\)\(9\)](#), [Section 11.508\(a\)\(1\)\(J\)](#).

Notes:

- Out-of-network emergency services must be paid at the usual and customary rate or at an agreed upon rate - [28 TAC Section 11.1611\(b\)](#).
- An HMO may not exclude health care services, supplies, or drugs provided for medical emergencies outside the plan service area, including outside of the United States - [28 TAC Section 26.28](#).

Page _____ : Inpatient services - [28 TAC Section 11.508\(a\)\(2\)](#). Including:

- Administration of whole blood and blood plasma;
- Anesthesia and oxygen services;

- Drugs, medications and biologicals;
- General nursing care;
- Inhalation therapy;
- Laboratory and other diagnostic tests;
- Meals and special diets when medically necessary;
- Private duty nursing when medically necessary ;
- Radiation therapy;
- Room and board;
- Short-term rehabilitation therapy services in the acute hospital setting;
- Use of intensive care unit and services;
- Use of operating room and related facilities;
- Whole blood including cost of blood, blood plasma, and blood plasma expanders that not replaced by or for the enrollee; and
- X-ray services.

Page _____ : Inpatient physician care services - including services performed, prescribed, or supervised by physicians or other health professionals, including diagnostic, therapeutic, medical, surgical, preventive, referral, and consultative health care services - [28 TAC Section 11.506\(b\)\(25\)](#) and [Section 11.508\(a\)\(3\)](#)

Page _____ : Outpatient hospital services - [28 TAC Section 11.508\(a\)\(4\)](#). Including:

- Ambulatory surgery services;
- Diagnostic services, including laboratory, radiology and imaging services;
- Rehabilitation and radiation therapy; and
- Treatment services.

Page _____ : Outpatient mental health services - in parity with medical surgical benefits - [TIC Section 1355.254](#), and [28 TAC Section 11.508\(a\)\(1\)\(I\)](#) and [Section 21.2401 - 21.2407](#)

Page _____ : Outpatient services - [28 TAC Section 11.508\(a\)\(1\)](#). Including:

- Home health services;
- Prenatal services (if maternity benefit covered);
- Primary care - [TIC Section 843.203](#);
- Outpatient diagnostic services, including laboratory, radiology and imaging services;

- Outpatient rehabilitation therapies (including physical, speech and occupational therapy);
- Outpatient services by other providers;
- Specialist services; and
- Therapeutic radiology services.

Page _____ : Preventive health services - [28 TAC Section 11.508\(a\)\(1\)\(H\)](#). Including:

- Adult immunizations;
- Cancer screenings - mammography as required by [TIC Sections 1356.001 - 1356.005](#);
- Eye and ear exams for children through age 17;
- Periodic adult health examinations as required by [TIC Section 1271.153](#);
- Well-childcare from birth including the cost of administration and the cost of the newborn screening test kit as required [TIC Section 1271.154](#).

Additional Required Benefits and Contract Provisions - other than Basic Health Care Services

Page _____ : Acquired brain injury - [TIC Sections 1352.001 - 1352.008](#), and [28 TAC Sections 21.3101 - 21.3107](#)

Page _____ : Amino acid-based formulas for diagnosis and treatment of certain diseases or disorders - [TIC Sections 1377.001 - 1377.052](#)

Page _____ : Cardiovascular disease - atherosclerosis and abnormal artery structure screening for diabetic enrollees and certain enrollees who have a documented medical risk of developing coronary heart disease - [TIC Sections 1376.001 - 1376.003](#), and [28 TAC Section 21.4301](#)

Page _____ : Autism Spectrum Disorder - [TIC Section 1355.015](#), and [28 TAC Sections 21.2451 - 21.2452](#)

Page _____ : Birth of child and post-delivery care - minimum inpatient hospital stay if the plan includes maternity benefits - [TIC Section 1366.051 - 1366.059](#), and [28 TAC Section 11.508\(b\)\(2\)](#)

Page _____ : Annual diagnostic medical examinations and tests for each woman 18 years of age or older for the early detection of ovarian cancer and cervical cancer; including pap smear; FDA-approved HPV test; CA-125 blood test, or any other FDA-approved test for ovarian cancer. - [TIC Section 1370.003\(b\)](#) - cervical cancer screening required by federal law

Page _____ : Chemical dependency - [TIC Sections 1368.001 - 1368.008](#), and [28 TAC Sections 3.8001 - 3.8030](#) and [Section 11.509\(3\)](#)

Page _____ : Complications of pregnancy - [28 TAC Section 21.405\(1\)](#)

Page _____ : Continuity of treatment by treating physician or provider of enrollee with a "special circumstance" and termination notice - [TIC Section 843.309](#) and [Section 843.362](#)

Page _____ : Contraceptive drugs and devices and related services - [TIC Section 1369.101 - 1369.108](#), and [28 TAC Section 21.404\(3\)](#)

Note: Plans may extend religious accommodations as required by federal law.

Page _____ : Drug formulary (if drugs are covered) - [TIC Section 1355.254](#) and [Sections 1369.051 - 1369.056](#), and [28 TAC Section 11.506\(b\)\(24\)](#) and [Sections 21.3020 - 21.3030](#)

Page _____ : Drug coverage continuation - if an approved or covered drug is removed from the drug formulary before the plan renewal date, HMO must continue to offer the drug at the contracted benefit level and until the plan's renewal date - [TIC Section 1369.055](#)

Page _____ : Drug coverage modification - 60-day notice for modification of drug coverage - [TIC Section 1369.0541](#)

Page _____ : Hearing aid or cochlear implant and related services and supplies, if medically necessary, for children that are 18 years of age or younger - [TIC Sections 1367.251 - 1367.253](#)

Page _____ : Mammography benefits and other breast imaging benefits - both annual screening for women aged 35 and older and diagnostic imaging for women of any age must be covered, including 2D and 3D (breast tomosynthesis) mammography, ultrasound imaging or magnetic resonance imaging (MRI). Coverage for diagnostic imaging must be no less favorable than coverage for a screening mammogram – [TIC Chapter 1356](#)

Page _____ : Mastectomy - breast reconstruction - [TIC Sections 1357.001 - 1357.007](#), and [28 TAC Section 11.508\(b\)\(1\)](#)

Page _____ : Mental health coverage - a small employer plan must offer treatment for Serious Mental Illness.

If included in the plan, must include inpatient and outpatient benefits for Serious Mental Illness, including inpatient care in a psychiatric day treatment facility and treatment in a residential treatment center for children and adolescents or a crisis stabilization unit, as an alternative to inpatient hospital treatment - [TIC Sections 1355.001- 1355.004](#), [Sections 1355.051 - 1355.054](#), [Sections 1355.101 - 1355.104](#) - required by Federal Law

Coverage must be in parity with and subject to the same terms and conditions applicable to coverage for medical and surgical benefits - [TIC Section 1355.251 -1355.257](#), and [28 TAC Section 21.2401 - 21.2407](#)

Page _____ : Orally administered anticancer medications - [TIC Sections 1369.201 - 1369.204](#)

Page _____ : Step therapy exception - drugs for stage-four metastatic cancer are not subject to step-therapy or failed first attempts if approved by the United States Food and Drug Administration - [TIC Section 1369.213](#)

Page _____ : Osteoporosis - [TIC Sections 1361.001 - 1361.003](#)

Page _____ : Pharmacy benefits (if drugs are covered) - [28 TAC Section 11.1605](#)

Page _____ : Phenylketonuria (PKU) or other heritable disease dietary formulas - [TIC Sections 1359.001- 1359.003](#) and [28 TAC Section 11.509\(6\)](#)

Page _____ : Prosthetics, orthotics, and professional fitting services equivalent to that provided by the federal Medicare program - [TIC Sections 1371.001 - 1371.005](#)

Page _____ : Rehabilitation services and therapies - [TIC Section 1271.156](#)

Page _____ : Routine costs and clinical trials - routine patient care costs to an enrollee in connection with certain clinical trials - [TIC Sections 1379.001 - 1379.056](#)

Page _____ : Urgent care - [28 TAC Section 11.1607\(g\)](#)

Optional Benefits

An HMO may limit these optional health services as to time and cost - [28 TAC Section 11.512](#)

Page _____ : Including - [28 TAC Section 11.512\(1\) - \(14\)](#):

- Corrective appliances and artificial aids;
- Cosmetic surgery;
- Care for military service - connected disabilities;
- Care for conditions that state or local law requires be treated in a public facility;
- Dental services;
- Vision care;
- Custodial or domiciliary care;
- Experimental and investigational medical, surgical, or other experimental or investigational health care procedures;
- Personal or comfort items and private rooms, unless medically necessary during inpatient hospitalization;
- Durable medical equipment for home use (such as wheelchairs, surgical beds, ventilators, or dialysis machines);

- Infertility medical services, including gamete intrafallopian transfer (GIFT), zygote intrafallopian transfer (ZIFT), and outpatient infertility drugs;
- Reversal of voluntary sterilization; and
- Prescribed drugs and medicines incident to outpatient care, and Noninsurance benefits provided that HMO complies with [28 TAC Chapter 21, Subchapter NN](#) (relating to Noninsurance Benefits and Features).

Wellness Benefits - [TIC Section 843.151](#) and [Section 1501.107](#), [and 28 TAC Sections 21.4701 – 21.4708](#)

Applies to any evidence of coverage that provides health care services, with respect to a plan that establishes premium discounts, rebates or reductions in otherwise applicable copayments, or any combination of these incentives, in return for participation in programs designed to promote disease prevention, wellness, and health.

Page _____ : **Participatory Wellness Programs:** a program with participation as sole basis for reward eligibility and that contains no condition for obtaining a reward premised on an individual satisfying a standard associated with a health factor, program must be made available to all individuals eligible for coverage under the plan – [28 TAC Section 21.4706\(a\) and \(b\)](#)

Page _____ : **Activity-only Wellness Programs:** a health-contingent program that requires an individual to perform or complete an activity related to a health factor in order to obtain rewards, but does not require the individual to attain or maintain a specific health outcome - [28 TAC Section 21.4707\(a\) and \(b\)](#)

Page _____ : **Outcome-Based Wellness Programs:** a program that requires an individual to attain or maintain a specific health outcome in order to obtain a reward - [28 TAC Section 21.4708\(a\) and \(b\)](#)

Benefits That Must be Offered

Page _____ : Emotional illness or disorder (inpatient hospital alternative treatment facility) - [TIC Sections 1355.101 - 1355.106](#)

Page _____ : In-vitro fertilization procedures - [TIC Sections 1366.001 - 1366.006](#)

Page _____ : Speech and hearing - [TIC Sections 1365.001 - 1365.004](#)

Coverage Standards

Page _____ : Alzheimer's disease, if applicable - [TIC Section 1354.001](#) and [Section 1354.002](#), and [28 TAC Section 11.506\(b\)\(23\)](#)

Page _____ : Discrimination - general prohibitions applicable to HMOs - [TIC Sections 544.001 - 544.054](#)

Page _____ : Fibrocystic breast conditions - [TIC Sections 544.201 - 544.204](#)

Page _____ : Victims of family violence - [TIC Sections 544.151 - 544.158](#)

Genetic Testing - [TIC Sections 546.001 - 546.152](#)

Page _____ : Notice to enrollee - [TIC Section 546.051\(a\)\(1\)](#)

Page _____ : Consent required (including consent from mother for testing in utero) - [TIC Section 546.051\(a\)\(3\)](#), [Section 546.051\(b\)](#) and [Section 546.053\(b\)\(1\)](#)

Page _____ : Information to enrollee of test results - [TIC Section 546.051\(b\)\(1\)-\(2\)](#) and [Section 546.101](#)

Page _____ : Inducement prohibited (to buy insurance or to induce abortion) - [TIC Section 546.051\(c\)](#) and [Section 546.053\(b\)\(2\)](#)

Page _____ : Improper use of test results prohibited - [TIC Section 546.052](#)

Out-of-State Group Agreement

Page _____ : An HMO issuing a group certificate covering a Texas resident is responsible for ensuring that the certificate complies with applicable Texas insurance laws and rules, including mandated benefits, regardless of whether the group agreement underlying the certificate was issued outside of Texas - [28 TAC Section 26.5\(g\)](#)

Enrollment Form and Application

Page _____ : COBRA and State Continuation - [TIC Sections 1271.301 - 1271.305](#), and [Section 1501.159](#) and [28 TAC Section 21.5302](#) and [Sections 21.5310 - 21.5314](#)

Page _____ : Disability affecting the enrollee's ability to communicate or read - [28 TAC Section 11.1602](#)

Page _____ : Primary language other than English - [28 TAC Section 11.1602](#)

Electronic Communication - [TIC Section 35.004\(c\)\(1\) and \(2\)](#)

Page _____ : Written communication may be delivered by electronic means if the party consented to electronic delivery and has not withdrawn consent or in the case of a health benefit plan (including dental or vision plan) the plan sponsor has consented on behalf of an enrollee and has provided the enrollee with the required statements, in compliance with [TIC Section 35.0041](#). A regulated entity must include a statement informing the party of:

- the party's right or option to receive written communication in paper form;

- the party's right to withdraw consent, including any conditions or consequences imposed if consent is withdrawn;
- whether the consent applies to only a specific transaction or to identified categories of written communications;
- how the party can obtain a paper copy of written communication delivered electronically
- information about how to withdraw consent;
- how to update information needed to contact the party electronically; and
- hardware and software requirements to access and retain written communications.

Note: If an application provides an option for written documents to be delivered electronically, then it must also include the required statements informing parties of their rights. An application cannot automatically enroll a party in electronic communication by signature only.

Conversion Contracts Only

Page _____ : Consideration - [28 TAC Section 11.507\(3\)](#)

Page _____ : Continuance of coverage due to change in marital status - [28 TAC Section 11.507\(4\)](#)

Page _____ : Conversion privilege - may offer - [TIC Section 1271.306](#) and [Section 1271.307](#), and [28 TAC Section 11.511\(4\)](#), [Section 21.5302](#) and [Sections 21.5320 - 21.5322](#)

Page _____ : Reinstatement - [28 TAC Section 11.507\(1\)](#)

Page _____ : Ten days to examine agreement - [28 TAC Section 11.507\(2\)](#)

Prohibited Practices

Page _____ : Discretionary clause prohibited - an evidence of coverage may not include a discretionary clause - [TIC Section 1271.057](#), and [28 TAC Section 3.1202](#) and [Section 3.1203](#)

Page _____ : Pharmacy and durable equipment (DME) provider – A plan of pharmacy benefit manager may not transfer patient or prescriber prescription information for a commercial purpose or require or induce an enrollee to use an affiliated pharmacy or DME provider through oral or written communication or methods such as offering reduced cost sharing. – [TIC Section 1369.553](#), [Section 1369.544](#), and [Section 1369.555](#)

Page _____ : May not charge an additional fee to the payee for issuing payment by paper check instead of by an electronic payment method – [Business and Commerce Code Chapter 116](#)

Page _____ : A company may not require a customer to provide any documentation certifying the customer's COVID-19 vaccination or post-transmission recovery in order to obtain health insurance coverage or otherwise receive service from the company – [Health and Safety Code Section 161.0085\(c\)](#), as added by SB 968 (87R)

Page _____ : An HMO may not limit, cancel, refuse to renew, deny coverage, or vary an individual's rate, because of the individual's political affiliation or expression – [TIC Section 544.602](#) as added by HB 3433

Page _____ : Asbestos - HMO may not reject, deny, limit, cancel, refuse to renew, increase the premiums for, or otherwise adversely affect the person's eligibility for or coverage under the contract based on the fact that enrollee has been exposed to asbestos fibers or silica or has filed a claim governed by [Civil Practice and Remedies Code Chapter 90](#) and [TIC Section 544.453](#)

Page _____ : HIV/AIDS - HMO may not exclude or deny coverage for HIV, AIDS or HIV-related illness - [TIC Sections 1364.001 - 1364.101](#)

Written Plan Description or Member Handbook - [28 TAC Section 11.1600](#)

Note: Written plan descriptions or member handbooks must appear in the exact order required by [28 TAC Section 11.1600](#).

Page _____ : The written plan description may be delivered electronically - [28 TAC Section 11.1600\(a\)](#)

- An HMO may use its member handbook to satisfy the requirements of the written plan description - [28 TAC Section 11.1600\(c\)](#);
- An HMO offering a Children's Health Insurance Program (CHIP) must file its member handbook with the approval letter from the Texas Health and Human Services Commission (HHSC) - [28 TAC Section 11.1600\(d\)](#);
- An HMO that maintains a website must list the information on its website - [TIC Section 843.2015](#) and [Section 1456.003](#), and [28 TAC Section 11.1600\(b\)-\(g\) and \(j\)](#).

Page _____ : The written or electronic plan description must include clear, complete, and accurate information in the exact order listed - [28 TAC Section 11.1600\(b\)](#):

- 1) a statement that the entity providing the coverage is an HMO;
- 2) a toll-free number and address for obtaining additional information, including physician and provider information;
- 3) a description of all covered services and benefits, including the options, if any, for prescription drug coverage, both generic and brand name, and how to access formulary information, consistent with [28 TAC Section 21.3031](#);
- 4) a description of emergency care services and benefits, including coverage for out-of-area emergency care services and information on access to after-hours care;
- 5) a description of out-of-area services and benefits, if any;
- 6) a statement concerning facility-based physicians and balance billing – as provided in [TIC Section 1456.003](#);

- 7) an explanation of enrollee financial responsibility;
- 8) a description of any limitations or exclusions, including any drug formulary limitations;
- 9) a description of any prior authorization requirements, including limitations or restrictions; a summary of approval procedures for referrals, requirements for preauthorization review, concurrent review, post service review, post payment review, and consequences for failure to obtain required authorizations;
- 10) a provision for continuity of treatment in the event of the termination of a primary care physician or dentist;
- 11) a summary of the HMO's complaint and appeal procedures, including the availability of independent review process, and a statement that the HMO is prohibited from retaliating against a physician or provider because he or she has, on behalf of the enrollee, filed a complaint against the HMO or appealed a decision of the HMO;
- 12) a current list of physicians and providers, including behavioral health providers and substance abuse treatment providers, if applicable, with information about the network, including the information required by [28 TAC Section 11.1612](#) (relating to Mandatory Disclosure Requirements), together with a link to the online directory;
- 13) a description of the service area;
- 14) an explanation of the point-of-service coverage when the HMO product includes point-of-service (POS) coverage, including when such coverage is provided by an insurer, or when the product is explicitly marketed with the option of purchasing POS coverage.

Page _____ : Required notice for access to a limited provider network, if applicable - [28 TAC Section 11.1600\(e\)](#)

Page _____ : Required notice for unlimited access to obstetrical or gynecological care, if applicable - [28 TAC Section 11.1600\(f\)](#)

Page _____ : Separate listing of any limited provider networks within the HMO's service area and an alphabetical listing of all physicians and providers, including specialists, available in each limited provider network - [28 TAC Section 11.1600\(g\)](#)

Page _____ : Notice to contact the HMO on receipt of a bill for covered services from any physician or provider, including a facility-based physician or other health care practitioner, and information how to contact the HMO - [28 TAC Section 11.1600\(h\)](#)

Page _____ : Disclosure that upon admission to an inpatient facility, a physician other than the primary care physician may direct and oversee the care, if applicable - [28 TAC Section 11.1600\(i\)](#)