

## **BILL ANALYSIS**

C.S.H.B. 843  
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Insurance  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Early Childhood Intervention (ECI) program provides services to children under age three with disabilities or developmental delays. These early interventions are key to increasing a child's ability to reach developmental milestones, which reduces the tax burden on the state and school systems later in life. There are concerns that this important program for Texas families faces significant funding pressures. Unlike other states, Texas does not require private insurance companies to cover most ECI services. Consequently, Texas disproportionately relies on state general revenue and local funds to cover costs of services for Texas children, including those with private insurance. This has reportedly contributed to a number of ECI contractors giving up their contracts with the state due to the financial hardship that funding issues place on providers. C.S.H.B. 843 seeks to meet the growing demand for ECI services and to maximize non-state sources of revenue for the ECI program by requiring certain health benefit plan issuers to cover certain rehabilitative and habilitative therapies for children with developmental delays.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 843 amends the Insurance Code to require a health benefit plan issuer to provide coverage that is compliant with statutory provisions governing health benefit plan coverage for rehabilitative and habilitative therapies for children with developmental delays. The bill revises the applicability of, and sets out an additional exception to, those provisions and makes the following early childhood intervention services eligible for coverage as rehabilitative and habilitative therapies:

- specialized skills training by a person certified as an early intervention specialist;
- applied behavior analysis treatment by a licensed behavior analyst or licensed psychologist; and
- case management provided by a licensed practitioner of the healing arts or a person certified as an early intervention specialist.

C.S.H.B. 843 authorizes a \$9,000 annual coverage limit per child for specialized skills training, including case management costs, but prohibits a health benefit plan from applying that limit to coverage for other rehabilitative and habilitative therapies provided in accordance with an individualized family service plan (IFSP) or to coverage required by any other law. The bill establishes that a health benefit plan prior authorization requirement, or any other utilization

management requirement, otherwise applicable to a covered rehabilitative or habilitative therapy service is satisfied if the service is specified in a child's IFSP. The bill prohibits a plan issuer from applying visits to a physician or health care provider, as applicable, to receive rehabilitative and habilitative therapies under an IFSP to an annual limit on an insured's or enrollee's number of visits to a physician or provider.

C.S.H.B. 843 requires a child, in accordance with Part C of the federal Individuals with Disabilities Education Act (IDEA), to exhaust available health benefit plan coverage for rehabilitative and habilitative therapies for children with developmental delays before the child may receive benefits provided by the state for early childhood intervention services. That requirement expressly does not reduce the obligation of the state or the federal government under Part C of IDEA.

C.S.H.B. 843 applies only to a health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2022.

**EFFECTIVE DATE**

September 1, 2021.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 843 differs from the original only by including a Texas Legislative Council draft number in the footer.