

BILL ANALYSIS

Senate Research Center

H.B. 102
By: Gray (Shapiro)
Economic Development
5-16-97
Engrossed

DIGEST

Currently, it has become common practice to release mothers and new-born babies from the hospital 24 hours after a normal vaginal delivery and 76 hours after a caesarean section. Some health maintenance organizations limit hospital stays to 8 and 12 hours after childbirth in order to reduce costs. This bill would require health benefit plans to provide minimum inpatient stay and postdelivery care for mothers and their new-born infants.

PURPOSE

As proposed, H.B. 102 sets forth minimum coverage under certain health benefit plans for inpatient stays and postdelivery care following the birth of a child.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the commissioner of insurance in SECTION 1 (Sections (5), (7), and (8), Article 21.53F, Chapter 21E, Insurance Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 21E, Insurance Code, by adding Article 21.53F, as follows:

Art. 21.53F. COVERAGE FOR MINIMUM INPATIENT STAY IN HEALTH CARE FACILITY AND POSTDELIVERY CARE FOLLOWING BIRTH OF CHILD

Sec. 1. **SHORT TITLE:** Lee Alexandria Hanley Act.

Sec. 2. **DEFINITIONS.** Defines "attending physician," "enrollee," and "health benefit plan."

Sec. 3. **SCOPE OF ARTICLE.** Sets forth the health benefit plans that are covered by this article. Sets forth the health benefit plans that are outside the scope of this article.

Sec. 4. **REQUIRED COVERAGE FOR MINIMUM INPATIENT STAY FOLLOWING BIRTH; EXCEPTIONS.** Requires a health benefit plan that provides maternity benefits to include coverage for inpatient care for a mother and her newborn child in a health care facility for a minimum of 48 hours following an uncomplicated vaginal delivery; and 96 hours following an uncomplicated delivery by caesarean section. Provides that a health benefit plan that provides coverage for in-home postdelivery care to a mother and her newborn child is not required to provide the minimum hours of coverage of inpatient care required under Subsection (a) of this section unless that inpatient care is determined to be medically necessary by an attending physician or is requested by the mother. Requires the determination as to whether a delivery is complicated to be made by the attending physician. Provides that this article does not require a mother who is eligible for coverage under a health benefit plan to give birth in a hospital or other health care facility; or remain under inpatient care in a hospital or other health care facility for any fixed term following the birth of a child.

Sec. 5. **POSTDELIVERY CARE.** Requires the health benefit plan, under certain conditions, to provide coverage for timely postdelivery care. Authorizes that care to be provided to the mother and child by a physician, registered nurse, or other appropriate licensed health care

provider and to be provided at certain locations. Requires the coverage required under Subsection (a) to allow the mother the option to have the care provided in the mother's home. Defines "postdelivery care."

Sec. 6. PROHIBITIONS. Prohibits the health benefit plan from performing certain actions relating to providing certain minimum coverage for inpatient stays and postdelivery care following the birth of a child.

Sec. 7. NOTICE. Requires each health benefit plan, in accordance with rules adopted by the commissioner, to provide to each enrollee under the plan written notice regarding the coverage required by this article.

Sec. 8. RULES. Requires the commissioner of insurance to adopt rules as necessary to administer this article.

SECTION 2. Effective date: September 1, 1997.

Makes application of this Act prospective to January 1, 1998.

SECTION 3. Emergency clause.