

SUBCHAPTER R. UTILIZATION REVIEW AGENTS
28 TAC §§19.1701 – 19.1724

**SUBCHAPTER U. UTILIZATION REVIEWS FOR HEALTH CARE PROVIDED UNDER
WORKERS' COMPENSATION INSURANCE COVERAGE**
28 TAC §§19.2001 – 19.2021

1. INTRODUCTION. The Texas Department of Insurance adopts the repeal of Subchapter R, §§19.1701 – 19.1724, concerning utilization review agents, and Subchapter U, §§19.2001 – 19.2021, concerning utilization review for health care provided under workers' compensation insurance coverage.

The repeal of the sections is adopted without changes to the proposal published in the August 24, 2012, issue of the *Texas Register* (37 TexReg 6464).

2. REASONED JUSTIFICATION. Repeal of §§19.1701 – 19.1717, 19.1720, 19.1721, 19.1723, and 19.1724 is necessary to incorporate the requirements in those sections and Insurance Code Chapter 4201 into adopted new Subchapter R, §§19.1701 – 19.1719. Repeal of §§19.2001 – 19.2017, 19.2020, and 19.2021 is necessary to incorporate the requirements in those sections and Insurance Code Chapter 4201 into adopted new Subchapter U, §§19.2001 – 19.2017.

Repeal of §19.1718 and §19.2018, concerning criminal penalties, is necessary because the statute on which they were based, Insurance Code Article 21.58A §10, was repealed by Senate Bill 14, 77th Legislature, Regular Session, effective September 1, 2001. Repeal of §19.1719, concerning responsibility of HMOs and insurers performing utilization review under Insurance Code Article 21.58A, §14(g) and (h), and

§19.2019, concerning responsibility of insurance companies performing utilization review under Insurance Code Article 21.58A, §14(h), is necessary because the requirements already exist in Insurance Code §§4201.057, 4201.058, and 4201.053, and repeating the requirements in the adopted new rules would be redundant. Repeal of §19.1722, concerning the utilization review advisory committee, is necessary because the utilization review agents' advisory committee was abolished by House Bill 1951, 82nd Legislature, Regular Session, effective September 1, 2011.

3. HOW THE SECTIONS WILL FUNCTION. In conjunction with this adoption, the commissioner of insurance is adopting new Subchapter R, §§19.1701 – 19.1719, and Subchapter U, §§19.2001 – 19.2017, also published in this issue of the *Texas Register*.

4. SUMMARY OF COMMENTS AND AGENCY RESPONSE. TDI did not receive any comments on the proposed repeal.

5. STATUTORY AUTHORITY. Repeal of §§19.1718, 19.1722, and 19.2018 is adopted under SB 14, 77th Legislature, Regular Session, effective September 1, 2001, and HB 1951, 82nd Legislature, Regular Session, effective September 1, 2011. SB 14 repealed Article 21.58A, Section 10, which was the statutory basis for §19.1718 and §19.2018. HB 1951 abolished the utilization review agents' advisory committee, which was the basis for §19.1722. Repeal of §§19.1701 – 19.1717, 19.1719 – 19.1721, 19.1723, 19.1724, 19.2001 – 19.2017, and 19.2019 – 19.2021, is adopted under

Insurance Code §4201.003 and §36.001. Section 4201.003 provides that the commissioner may adopt rules to implement Chapter 4201 of the Insurance Code. Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

6. TEXT.

SUBCHAPTER R. UTILIZATION REVIEW AGENTS

§19.1701. General Provisions.

§19.1702. Limitations on Applicability.

§19.1703. Definitions.

§19.1704. Certification of Utilization Review Agents.

§19.1705. General Standards of Utilization Review.

§19.1706. Personnel.

§19.1707. Prohibitions of Certain Activities of Utilization Review Agents.

§19.1708. Utilization Review Agent Contact with and Receipt of Information from Health Care Providers.

§19.1709. On-Site Review by the Utilization Review Agent.

§19.1710. Notice of Determinations Made by Utilization Review Agents.

§19.1711. Requirements Prior to Adverse Determination.

§19.1712. Appeal of Adverse Determination of Utilization Review Agents.

§19.1713. Utilization Review Agent's Telephone Access.

§19.1714. Confidentiality.

§19.1715. Retrospective Review of Medical Necessity.

§19.1716. Complaints and Information.

§19.1717. Administrative Violations.

§19.1718. Criminal Penalties.

§19.1719. Responsibility of HMOs and Insurers Performing Utilization Review under the Insurance Code, Article 21.58A, §14(g) and (h).

§19.1720. Specialty Utilization Review Agent.

§19.1721. Independent Review of Adverse Determinations.

§19.1722. Utilization Review Advisory Committee.

§19.1723. Preauthorization.

§19.1724. Verification.

SUBCHAPTER U. UTILIZATION REVIEWS FOR HEALTH CARE PROVIDED UNDER WORKERS' COMPENSATION INSURANCE COVERAGE

§19.2001. General Provisions.

§19.2002. Limitations on Applicability.

§19.2003. Definitions.

§19.2004. Certification of Utilization Review Agents.

§19.2005. General Standards of Utilization Review.

§19.2006. Personnel.

§19.2007. Prohibitions of Certain Activities of Utilization Review Agents.

§19.2008. Utilization Review Agent Contact with and Receipt of Information from Health Care Providers.

§19.2009. On-Site Review by the Utilization Review Agent.

§19.2010. Notice of Determinations Made by Utilization Review Agents, Excluding Retrospective Review.

§19.2011. Requirements Prior to Adverse Determination.

§19.2012. Appeal of Adverse Determination of Utilization Review Agents.

§19.2013. Utilization Review Agent's Telephone Access.

§19.2014. Confidentiality.

§19.2015. Retrospective Review of Medical Necessity.

§19.2016. Complaints and Reporting Requirements.

§19.2017. Administrative Violations.

§19.2018. Criminal Penalties.

§19.2019. Responsibility of Insurance Companies Performing Utilization Review under the Insurance Code, Article 21.58A, §14(h).

§19.2020. Specialty Utilization Review Agent.

§19.2021. Independent Review Organizations Non-Involvement.

10. CERTIFICATION. This agency certifies that the adopted sections have been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TITLE 28. INSURANCE
Part I. Texas Department of Insurance
Chapter 19. Agents' Licensing

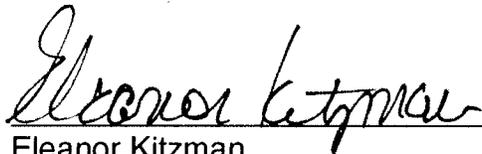
Adopted Sections
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The commissioner of insurance adopts the repeal of Subchapter R, §§19.1701 – 19.1724, concerning utilization review agents, and Subchapter U, §§19.2001 – 19.2021, concerning utilization review for health care provided under workers' compensation insurance coverage.



Eleanor Kitzman
Commissioner of Insurance

Commissioner's Order No. **2274**
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