

**SUBCHAPTER LL. REQUIREMENTS FOR SUBMISSION OF INFORMATION AND
DATA TO FACILITATE STUDY BY ADVISORY COMMITTEE ON HEALTH
NETWORK ADEQUACY
28 TAC §§21.4601 – 21.4605**

INTRODUCTION. The Commissioner of Insurance adopts the repeal of 28 TAC Chapter 21, Subchapter LL, §§21.4601 – 21.4605, concerning requirements for submitting information and data to facilitate a study by an advisory committee on health network adequacy. The repeal is adopted without changes to the proposed text published in the November 24, 2017, issue of the *Texas Register* (42 TexReg 6600).

REASONED JUSTIFICATION. Repealing 28 TAC Chapter 21, Subchapter LL is necessary because the rules are obsolete. Senate Bill 1731, 80th Legislature, Regular Session (2007) enacted Insurance Code §1456.0065, which required the Commissioner to establish an advisory committee to study facility-based provider network adequacy of health benefit plans. SB 1731, Section 20 also directed the Commissioner to adopt rules requiring health benefit plan issuers subject to Chapter 1456 to submit information concerning the use of nonnetwork providers by health benefit plan enrollees and the payments made to those providers. Because the study is complete, and because §1456.0065 automatically abolished the committee on January 1, 2009, Subchapter LL is obsolete and should be repealed. The rule will also repeal Forms LHL608 and LHL609, which were adopted by reference in Subchapter LL.

SUMMARY OF COMMENTS. TDI did not receive any comments on the proposed repeal.

STATUTORY AUTHORITY. The Commissioner adopts the repeal of 28 TAC §§21.4601 – 21.4605 under Insurance Code §36.001. Section 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.

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Part I. Texas Department of Insurance
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TEXT.

SUBCHAPTER LL. REQUIREMENTS FOR SUBMISSION OF INFORMATION AND DATA TO FACILITATE STUDY BY ADVISORY COMMITTEE ON HEALTH NETWORK ADEQUACY

§21.4601. Purpose

§21.4602. Applicability

§21.4603. Requirement to Collect Information and Data

§21.4604. Submission of Information and Data

§21.4605. Report Forms

CERTIFICATION. This agency certifies that legal counsel has reviewed the adopted repeal and found it to be a valid exercise of the agency's legal authority.

Issued at Austin, Texas, on February 7, 2018.

/s/ Norma Garcia _____
Norma Garcia
General Counsel
Texas Department of Insurance

The commissioner adopts the repeal of 28 TAC §§21.4601 – 21.4605.

/s/ Kent C. Sullivan _____
Kent C. Sullivan
Commissioner of Insurance

COMMISSIONER'S ORDER NO. **2018-5393**