

Subchapter X. Preferred Provider Plans 28 TAC §3.3713

1. INTRODUCTION. The Texas Department of Insurance adopts the repeal of 28 TAC §3.3713, which requires an insurer to develop, submit to the department, and implement a plan to collect and analyze information from health care facilities on the effects of undercompensated care. The repeal is adopted without changes to the proposal published in the November 2, 2012, issue of the *Texas Register* (37 TexReg 8717).

2. REASONED JUSTIFICATION. Undercompensated care issues in Texas are undergoing considerable change as a result of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act, Public Law 111-152, and the grant by the federal government of a waiver under Section 1115 of the Social Security Act (Title 42 U.S.C. Section 1315) of certain Medicaid regulations. The many changes will affect how facilities will be reimbursed, and may alter the amount of undercompensated care. As changes are implemented, the market in Texas will continue to evolve, substantially reducing the usefulness of the data that would be collected pursuant to §3.3713. Repealing the section will allow insurers and other actors in the health care market to work on maintaining a stable insurance and health care service market. The department will continue to monitor the issue of undercompensated care to determine whether regulatory action is needed.

3. HOW THE SECTION WILL FUNCTION. The adoption of the repeal of the section will remove a detailed data collection and analysis requirement at a time when insurers and other actors in the health care market are working to maintain a stable insurance and health care service market.

4. SUMMARY OF COMMENTS. The department did not receive any comments on the proposed repeal.

5. STATUTORY AUTHORITY. The repeal of §3.3713 is adopted pursuant to Insurance Code §1301.007 and §36.001. Section 1301.007 provides that the commissioner of insurance must adopt rules as necessary to implement Chapter 1301. Section 36.001 provides that the commissioner of insurance may adopt any rules necessary and appropriate to implement the powers and duties of the Texas Department of Insurance under the Insurance Code and other laws of this state.

7. TEXT.

§3.3713. Submission of Plan; Collection and Analysis of Information Concerning the Effects of Undercompensated Care.

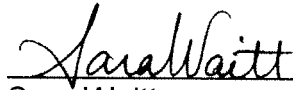
8. CERTIFICATION. This agency certifies that legal counsel has reviewed the adopted repeal and found it to be a valid exercise of the agency's legal authority.

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TITLE 28. INSURANCE
Part I. Texas Department of Insurance
Chapter 3. Life, Accident and Health Insurance and Annuities

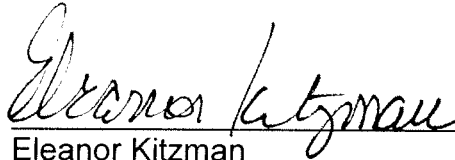
Adopted Repeal
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Sara Waitt
General Counsel
Texas Department of Insurance

The commissioner adopts the repeal of §3.3713.



Eleanor Kitzman
Commissioner of Insurance

COMMISSIONER'S ORDER NO. 2249

JAN 30 2013