

2025-9676

TITLE 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 3. Life, Accident, and Health Insurance and Annuities

Adopted Section

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Subchapter V. Uniform Coordination of Benefits Questionnaire 28 TAC §3.3520

INTRODUCTION. The commissioner of insurance adopts new 28 TAC §3.3520, concerning Uniform Coordination of Benefits Questionnaire. The new section is adopted without changes to the proposed text published in the October 24, 2025 issue of the *Texas Register* (50 TexReg 6976).

REASONED JUSTIFICATION. New §3.3520 is necessary to implement House Bill 388, 89th Legislature, 2025. HB 388 requires the Texas Department of Insurance (TDI) to adopt a uniform coordination of benefits (COB) questionnaire. Thirty days after the effective date, health benefit plan issuers that include COB provisions in their forms are required to use the adopted uniform COB questionnaire and make the questionnaire available to health care providers, as appropriate.

New §3.3520 adopts by reference two versions of a uniform COB questionnaire. Health plans must use and accept the Patient Health Plan Coverage Form (LHL138) in connection with a requirement for a health care provider to maintain information on coordination of benefits. Health plans must use and accept the Enrollee's Other Health Plan Coverage Form (LHL139) when requiring an enrollee to provide information on other health coverage.

SUMMARY OF COMMENTS AND AGENCY RESPONSE. TDI provided an opportunity for public comment on the rule proposal for a period that ended on November 24, 2025, and at a public rule hearing held on November 18, 2025.

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Commenters: TDI received comments from two commenters. No commenters spoke at the public hearing. A commenter in support of the proposal was Community Health Choice, and a commenter in support with changes was the Texas Health and Human Services Commission.

Comment on §3.3520

Comment. One commenter requests a minor change to Section 2 of both versions of the COB questionnaire form to clarify that the respondent should report any Medicaid or CHIP coverage when reporting other health plan information.

Agency Response. TDI agrees and has changed the form language as suggested.

Comment. One commenter asks whether plans are required to use both forms, or whether plans may choose the form that best fits their products and population. The commenter also asks whether plans have autonomy to determine when and how the forms are distributed to members and providers.

Agency Response. The rule specifies when each form should be used. If a plan requires a health care provider to maintain information on coordination of benefits, it must use LHL138. If a plan requires an enrollee to provide information on other health coverage, it must use LHL139. Plans do have autonomy to determine when and how the forms are distributed to members and providers, as those issues are not addressed by the rule.

Subchapter V. Coordination of Benefits

28 TAC §3.3520

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STATUTORY AUTHORITY. The commissioner adopts new §3.3520 under Insurance Code §1203.152 and §36.001.

Insurance Code §1203.152 requires the adoption of rules establishing a uniform coordination of benefits questionnaire to be used by all health benefit plan issuers in this state.

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.

TEXT.

§3.3520. Uniform Coordination of Benefits Questionnaire.

(a) Notwithstanding §3.3502 of this title (relating to Applicability), this section applies to a health benefit plan issuer that is subject to Insurance Code Chapter 1203, Subchapter D, concerning Coordination of Benefits Questionnaire.

(b) The commissioner adopts by reference LHL138 and LHL139, which contain two versions of a uniform coordination of benefits questionnaire, effective January 1, 2026, to be used and accepted by a health benefit plan issuer in compliance with this section. Both versions of the form are posted on the TDI website at www.tdi.texas.gov/forms.

(c) Beginning February 1, 2026:

(1) a health benefit plan issuer that requires a health care provider to maintain information on coordination of benefits must use and accept the Patient Health Plan Coverage Form that is adopted by this section as LHL138; and

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(2) a health benefit plan issuer that requires an enrollee to provide information on other health coverage must use and accept the Enrollee's Other Health Plan Coverage Form that is adopted by this section as LHL139.

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

Issued at Austin, Texas, on December 12, 2025.

Signed by:
Jessica Barta
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Jessica Barta, General Counsel
Texas Department of Insurance

New 28 TAC §3.3520 is adopted.

Signed by:
C. Brown
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Cassie Brown
Commissioner of Insurance

Commissioner's Order No. 2025-9676