

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

INTRODUCTION. The Texas Department of Insurance (TDI) proposes new 28 TAC §3.3520, concerning Uniform Coordination of Benefits Questionnaire. Section 3.3520 implements House Bill 388, 89th Legislature, 2025.

EXPLANATION. New §3.3520 is necessary to implement HB 388. HB 388 requires TDI to adopt a uniform coordination of benefits (COB) questionnaire. Health benefit plan issuers that include COB provisions in their forms are required to use the uniform COB questionnaire and make the questionnaire available to health care providers as appropriate.

New §3.3520 adopts two versions of a uniform COB questionnaire by reference. 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.

TDI invited public comment on an informal draft posted on TDI's website on August 11, 2025. TDI received one comment and took it into consideration in preparing this proposal.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Rachel Bowden, director of Regulatory Initiatives, has determined that during each year of the first five years the proposed new section is in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the new section, other than that imposed by the statute. Ms. Bowden made this determination because

the proposed new section does not add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with the proposed new section.

Ms. Bowden does not anticipate any measurable effect on local employment or the local economy as a result of this proposal.

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the proposed new section is in effect, Ms. Bowden expects that enforcing the proposed new section will have the public benefit of ensuring that TDI's rules conform to new Insurance Code Chapter 1203, Subchapter D, §§1203.151, 1203.152, and 1203.153, as added by HB 388.

Ms. Bowden expects that the proposed new section will not increase the cost of compliance with Insurance Code §§1203.151, 1203.152, and 1203.153 because it does not impose requirements beyond those in statute. Insurance Code §§1203.151, 1203.152, and 1203.153 requires TDI to create and adopt a uniform coordination of benefits questionnaire. As a result, the cost associated with the rule does not result from the enforcement or administration of the proposed new section.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. TDI has determined that the proposed new section will not have an adverse economic effect on small or micro businesses, or on rural communities. This is because the new section does not impose requirements beyond those in statute. As a result, and in accordance with Government Code §2006.002(c), TDI is not required to prepare a regulatory flexibility analysis.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. TDI has determined that this proposal does not impose a possible cost on regulated persons. Even if costs were imposed, no additional rule amendments are required under Government Code §2001.0045 because the proposed new section is necessary to implement legislation. The proposed rule implements Insurance Code §§1203.151, 1203.152, and 1203.153, as added by HB 388.

GOVERNMENT GROWTH IMPACT STATEMENT. TDI has determined that for each year of the first five years that the proposed new section is in effect, the proposed rule:

- will not create or eliminate a government program;
- will not require the creation of new employee positions or the elimination of existing employee positions;
- will not require an increase or decrease in future legislative appropriations to the agency;
- will not require an increase or decrease in fees paid to the agency;
- will create a new regulation;
- will not expand, limit, or repeal an existing regulation;
- will not increase or decrease the number of individuals subject to the rule's applicability; and
- will not positively or adversely affect the Texas economy.

TAKINGS IMPACT ASSESSMENT. TDI has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. As a result, this proposal does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

REQUEST FOR PUBLIC COMMENT. TDI will consider any written comments on the proposal that are received by TDI no later than 5:00 p.m., central time, on November 24, 2025. Consistent with Government Code §2001.0024(a)(8), TDI requests public comments on the proposal, including information related to the cost, benefit, or effect of the proposal, and any applicable data, research, and analysis. Send your comments to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

The commissioner of insurance will also consider written and oral comments on the proposal in a public hearing under Docket No. 2859 at 2:00 p.m., central time, on November 18, 2025, in Room 2.035 of the Barbara Jordan State Office Building, 1601 Congress Avenue, Austin, Texas 78701.

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STATUTORY AUTHORITY. TDI proposes 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.

CROSS-REFERENCE TO STATUTE. New §3.3520 implements Insurance Code §§1203.151, 1203.152, and 1203.153.

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

(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 proposal and found it to be within the state agency's legal authority to adopt.

Issued in Austin, Texas, on October 13, 2025.

Signed by:
Jessica Barta
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Jessica Barta, General Counsel
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