

1 HB323  
2 116301-1  
3 By Representatives McClendon, Clouse, Barton, Millican, Ward  
4 and Hill  
5 RFD: Health  
6 First Read: 19-JAN-10

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8 SYNOPSIS: Under existing law, the Access to Eye Care  
9 Act requires an insurance policy, plan, or contract  
10 which provides for third-party payments for health  
11 care to include payment to a licensed eye care  
12 provider if the plan covers the same service  
13 provided by other providers. The law also regulates  
14 certain provisions in the insurance policies,  
15 plans, or contracts.

16 This bill would add to the Access to Eye  
17 Care Act requirements that the health insurance  
18 policies, plans, or contracts may not require an  
19 eye care provider covered by the act to participate  
20 in other health insurance policies, plans, or  
21 contracts and would prohibit an insurance policy,  
22 plan, or contract from requiring an eye care  
23 provider to purchase a certain minimum quantity or  
24 minimum dollar amount of ophthalmic materials in  
25 order to participate in the insurance plan.

26  
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 To amend Section 27-56-4 of the Code of Alabama  
5 1975, the Access to Eye Care Act, relating to health insurance  
6 policies, plans, or contracts which provide third-party  
7 payments for eye care services, to further regulate certain  
8 conditions related to participation in the health insurance  
9 plans.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 27-56-4 of the Code of Alabama  
12 1975, is amended to read as follows:

13 "§27-56-4.

14 "An insurance policy, plan, or contract providing  
15 for third-party payment or prepayment of health or medical  
16 expenses shall not do any of the following:

17 "(1) Impose a practice restriction for optometrists  
18 which is inconsistent with or more restrictive than provided  
19 by law.

20 "(2) Discriminate between classes of eye care  
21 providers with respect to any covered service which falls  
22 within the scope of the eye care provider's license.

23 "(3) Require an eye care provider to hold hospital  
24 privileges as a condition of participation in or receiving  
25 payment from the policy, plan, or contract.

26 "(4) Impose any restriction not required by law  
27 based on the eye care provider's professional degree.

1           "(5) Discriminate between eye care providers in  
2 connection with the amount of reimbursement for the provision  
3 of the same services.

4           "(6) Require an eye care provider as a condition of  
5 participation or receiving payment from a policy, plan, or  
6 contract to participate in any other policy, plan, or  
7 contract. The prohibition in this subdivision shall not  
8 prohibit a Preferred Provider Organization (PPO) or a Health  
9 Maintenance Organization (HMO) from requiring an eye care  
10 provider, as a condition to participation in a specific  
11 program of the PPO or HMO, to offer services to all  
12 subscribers and enrollees of the specific PPO or HMO program.

13           "(7) Require an eye care provider to purchase or  
14 maintain a minimum quantity or minimum dollar amount of a  
15 specified brand of ophthalmic materials as a condition of  
16 participation in or receiving payments from a policy, plan, or  
17 contract."

18           Section 2. This act shall not apply to any insurance  
19 policy, plan, or contract in effect on the effective date of  
20 this act.

21           Section 3. This act shall become effective on the  
22 first day of the third month following its passage and  
23 approval by the Governor, or its otherwise becoming law.