



Texas Department of Insurance

HMO Division, Mail Code 103-6A
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Evidence of Coverage Requirements (Small Employer & Conversion Plans)

Although every effort has been made to ensure the accuracy and completeness of the information contained in this document, all parties are advised to consult the Texas Insurance Code, the Texas Administrative Code and other applicable insurance statutes to determine the extent and nature of their own requirements.

In addition, the requirements listed are only summaries. The reader should refer to the actual cited statutes or rules to review the complete provisions listed.

All dealings with the Texas Department of Insurance are governed and controlled solely by the Texas Insurance Code, the Texas Administrative Code and other applicable statutes, and not by this document.

Texas Insurance Code (TIC) and Texas Administrative Code (TAC) Evidence of Coverage (EOC) Requirements**	
HMOs must file the evidence of coverage and related forms for approval prior to issuance	<ul style="list-style-type: none"> • §1271.101 • 28 TAC §11.301(4) • 28 TAC §11.501
Plain Language Requirements	28 TAC Chapter 3, Subchapter G
MANDATORY EOC PROVISIONS	
<input type="checkbox"/> Alzheimer's Disease (if applicable)	<ul style="list-style-type: none"> • 28 TAC §11.506(24) • Chapter 1354
<input type="checkbox"/> Cancellation, Termination & Non-Renewal	<ul style="list-style-type: none"> • 28 TAC §11.506(3) • §843.208 • §1501.108
<input type="checkbox"/> Conformity with State Law	28 TAC §11.506(20)
<input type="checkbox"/> Complaint and Appeal Procedures: <ul style="list-style-type: none"> • Complaints • Adverse Determination and Appeal of Adverse Determination, including IRO Information 	<ul style="list-style-type: none"> • 28 TAC §11.506(5) • §1271.054 • §§843.251-843.262 & 843.281 • Article 21.58A • 28 TAC Chapter 19, Subchapter R
Retaliatory Action Prohibited for Filing a Complaint	
<input type="checkbox"/> Continuation of Coverage	<ul style="list-style-type: none"> • 28 TAC §11.506(6) • §§1271.301-305
<input type="checkbox"/> Coverage Terms: Group contract holder is liable for enrollee premiums from the time the enrollee is no longer part of the group until the end of the month in which the contract holder notifies HMO. Enrollee remains covered until the end of that period	§843.210
<input type="checkbox"/> Definitions	28 TAC §11.506(7)
<input type="checkbox"/> Effective Date	28 TAC §11.506(8)
<input type="checkbox"/> Eligibility Requirements-Dependents (<i>see below for eligibility standards</i>)	28 TAC §11.506(9)
<input type="checkbox"/> Emergency Services	<ul style="list-style-type: none"> • 28 TAC §11.506(10) • 28 TAC §11.508(a)(1)(J) • 28 TAC §11.2203-Dental • §843.002(7) • §1271.155
<input type="checkbox"/> Entire Contract, Amendment	28 TAC §11.506(11)

<input type="checkbox"/> Exclusions & Limitations	28 TAC §11.506(12)
<input type="checkbox"/> Face Page: <ul style="list-style-type: none"> • HMO name, address & telephone number • Important Notice (English/Spanish) • Toll-Free Telephone Numbers 	<ul style="list-style-type: none"> • 28 TAC §11.506(1) • 28 TAC §1.601 • §521.102
<input type="checkbox"/> Grace Period	28 TAC §11.506(13)
<input type="checkbox"/> Handicapped Child (child's attainment of a limiting age does not operate to terminate the coverage of a handicapped child)	<ul style="list-style-type: none"> • 28 TAC §11.506(18) • §1501.002(2)
<input type="checkbox"/> Incontestability	28 TAC §11.506(14)
<input type="checkbox"/> Medicare Supplement & Long Term Care Minimum Standards (if applicable)	<ul style="list-style-type: none"> • 28 TAC §11.506(21) • 28 TAC Chapter 3, Subchapter T
<input type="checkbox"/> Out-of-Network Services (when covered medically necessary services are not available through network physicians/providers.)	<ul style="list-style-type: none"> • 28 TAC §11.506(15) • 28 TAC §11.508(a) • §1271.055
<input type="checkbox"/> Premium Rate Changes-60-Day Notice	<ul style="list-style-type: none"> • 28 TAC §11.506(16) • Chapter 1254
<input type="checkbox"/> Prompt Payment of Claims (enrollee claims)	<ul style="list-style-type: none"> • 28 TAC §11.506(4) • Chapter 542, Subchapter B • §1271.005
<input type="checkbox"/> Service Area-Description & Map (a ZIP code map and a provider list may meet this requirement)	<ul style="list-style-type: none"> • 28 TAC §§11.506(17) • 28 TAC §11.1600(b)
<input type="checkbox"/> Schedule of Benefits (copayments)	28 TAC §11.506(2)
<input type="checkbox"/> Specialist as Primary Care Physician	<ul style="list-style-type: none"> • 28 TAC §11.506(22) • §§1271.201-1271.203
OPTIONAL EOC PROVISIONS	
<input type="checkbox"/> Arbitration	28 TAC §11.511(5)
<input type="checkbox"/> Coordination of Benefits	<ul style="list-style-type: none"> • Chapter 1203 • 28 TAC §11.511(1) • 28 TAC Chapter 3, Subchapter V
<input type="checkbox"/> Conversion Privilege	28 TAC §11.511(4)
<input type="checkbox"/> Subrogation	28 TAC §11.511(2)
<input type="checkbox"/> Workers' Compensation Insurance-sale of substitutes to WC Insurance (if applicable)	<ul style="list-style-type: none"> • 28 TAC §11.511(3) • 28 TAC §5.6302
MANDATORY PROVISIONS-GROUP AGREEMENT ONLY	
<input type="checkbox"/> Certificate	• 28 TAC §11.509(1)
<input type="checkbox"/> New Members	• 28 TAC §11.509(2)
ELIGIBILITY & ENROLLMENT STANDARDS	
<input type="checkbox"/> Adopted Children	<ul style="list-style-type: none"> • 28 TAC §11.506(9)(A)(i) • §1501.158
<input type="checkbox"/> Affiliation Period-Imposed by HMO (cannot exceed 60 days for enrollees & 90 days for late enrollees)	§1501.104
<input type="checkbox"/> Effective Date	28 TAC §11.506(8)
<input type="checkbox"/> Genetic Testing: <ul style="list-style-type: none"> • Notice to enrollee • Consent required (including consent from mother for testing <i>in utero</i>) • Information to enrollee of test results • Inducement prohibited (to buy insurance or to induce abortion) • Improper use of test results prohibited 	Chapter 546

<input type="checkbox"/> Grandchildren	<ul style="list-style-type: none"> • 28 TAC §11.506(9)(E) • §1201.62 • §§1271.005(e) & 1271.006
<input type="checkbox"/> Handicapped Child (child's attainment of a limiting age does not operate to terminate the coverage of a handicapped child)	<ul style="list-style-type: none"> • 28 TAC §11.506(18) • §1501.002(2)(C)
<input type="checkbox"/> Late Enrollment & Late Enrollee Exceptions	<ul style="list-style-type: none"> • §1501.008 • §1501.156
<input type="checkbox"/> Limiting Age (subscriber & dependents)	28 TAC §11.506(9)(C)
<input type="checkbox"/> Asbestos-HMO may not reject, deny, limit, cancel, refuse to renew, increase the premiums for, or otherwise adversely affect the person's eligibility for or coverage under the policy or contract based on the fact that enrollee has been exposed to asbestos fibers or silica or has filed a claim governed by Chapter 90, Civil Practice and Remedies Code	Article 21.53X
<input type="checkbox"/> Medical Support Court Order-Spouse & Child	<ul style="list-style-type: none"> • 28 TAC §11.506(9)(A)(iv) • Chapter 1504 • §1501.008(c) • 28 TAC Chapter 21, Subchapter L
<input type="checkbox"/> New Enrollees-special enrollment in accordance with 45 C.F.R. 146.117 (HIPAA)	28 TAC §11.509(2)
<input type="checkbox"/> Newborns	<ul style="list-style-type: none"> • 28 TAC §11.506(9)(D) • §1501.002(2)(B) • §1501.157
<input type="checkbox"/> Newly Acquired Dependents	<ul style="list-style-type: none"> • 28 TAC §11.506(9)(B)
<input type="checkbox"/> Open Enrollment	§1501.156
<input type="checkbox"/> Participation Criteria-Determined by the HMO	§§1501.154-155 & 1501.203
<input type="checkbox"/> Premiums: Group contract holder is liable for an enrollee's premiums from the time the enrollee is no longer part of the group eligible for coverage under the contract until the end of the month in which the contract holder notifies the HMO that the enrollee is no longer part of the group eligible for coverage by the contract; The enrollee remains covered by the contract until the end of that period.	§843.210
<input type="checkbox"/> Waiting Period-Determined by the employer for new employees.	<ul style="list-style-type: none"> • §1501.002(17) • §1501.105 • §1501.156
<i>BASIC HEALTH CARE SERVICES-MANDATORY COVERAGE (28 TAC §11.508(a)) (must be provided as needed without limitation as to time and cost unless permitted by statute or TDI rules)</i>	
Definition of "Basic Health Care Services"	<ul style="list-style-type: none"> • Section 843.002(2) • 28 TAC §11.2(b)(9)
<input type="checkbox"/> EMERGENCY SERVICES	28 TAC §11.508(a)(1)(J)

<input type="checkbox"/> INPATIENT SERVICES INCLUDING: <ul style="list-style-type: none"> • Administration of whole blood and blood plasma • Anesthesia and oxygen services • Drugs, medications & biologicals • Room and board • General nursing care • Inhalation therapy • Laboratory and other diagnostic tests • Meals and special diets when medically necessary • Radiation therapy • Short-term rehabilitation therapy services in the acute hospital setting • Special duty nursing when medically necessary • Use of operating room and related facilities • Use of intensive care unit and services • X-ray services 	28 TAC §11.508(a)(2)
<input type="checkbox"/> INPATIENT PHYSICIAN CARE SERVICES	28 TAC §11.508(a)(3)
<input type="checkbox"/> OUTPATIENT MENTAL HEALTH SERVICES (not less than 20 visits)	28 TAC §11.508(a)(1)(I)
<input type="checkbox"/> OUTPATIENT HOSPITAL SERVICES INCLUDING: <ul style="list-style-type: none"> • Ambulatory surgery services • Diagnostic services • Treatment services 	28 TAC §11.508(a)(4)
<input type="checkbox"/> OUTPATIENT SERVICES INCLUDING: <ul style="list-style-type: none"> • Home Health Services • Prenatal Services (if maternity benefits covered) • Primary Care • Outpatient Diagnostic Services • Outpatient Rehabilitation Therapies (including physical, speech & occupational therapy) • Outpatient Services by Other Providers • Specialist Services • Therapeutic Radiology Services 	28 TAC §11.508(a)(1)
<input type="checkbox"/> PREVENTIVE HEALTH SERVICES INCLUDING: <ul style="list-style-type: none"> • Adult & Children Immunizations • Cancer Screenings (Mammography) • Eye & Ear Exams for Children Through Age 17 • Periodic Adult Health Examinations • Well-Child Care From Birth 	28 TAC §11.508(a)(1)(H)
<i>ADDITIONAL BENEFITS-OTHER THAN BASIC HEALTH CARE SERVICES</i>	
<input type="checkbox"/> Acquired Brain Injury	Chapter 1352
<input type="checkbox"/> Birth of Child & Post-Delivery Care-Minimum Inpatient Hospital Stay-	<ul style="list-style-type: none"> • 28 TAC §11.508(b) • Chapter 1366, Subchapter B
<input type="checkbox"/> Cervical Cancer-Annual diagnostic medical procedures fro each woman 18 years of age or older for the early detection of cervical cancer	§1370.003

<input type="checkbox"/> Chemical Dependency	<ul style="list-style-type: none"> • 28 TAC §11.509(3)(A) & (B) • Chapter 1368 • 28 TAC Chapter 3, Subchapter HH (relating to Standards for Reasonable Cost Control and Utilization Review for Chemical Dependency Treatment Centers)
<input type="checkbox"/> Continuity of Treatment by Treating Physician or Provider of Enrollee with a “Special Circumstance” & Termination Notice	<ul style="list-style-type: none"> • §843.309 • §843.362 • §1272.302 • 28 TAC §11.901(3)-Required provision in Physician & provider contract
<input type="checkbox"/> Crisis Stabilization Unit & Residential Treatment Center for Children and Adolescents	<ul style="list-style-type: none"> • 28 TAC §11.509(5) • Chapter 1355
<input type="checkbox"/> Mastectomy-Breast Reconstruction	<ul style="list-style-type: none"> • 28 TAC §11.508(b)(1) • Chapter 1357, Subchapter A
<input type="checkbox"/> Osteoporosis	<ul style="list-style-type: none"> • Chapter 1361 • 28 TAC §11.509(4)
<input type="checkbox"/> PKU Dietary Formulas (if drugs are covered).	Chapter 1359
<input type="checkbox"/> Urgent Care	<ul style="list-style-type: none"> • 28 TAC §11.1607
<i>BENEFITS THAT MUST BE OFFERED UNDER A GROUP CONTRACT</i>	
<input type="checkbox"/> Emotional Illness or Disorder (inpatient hospital-alternative treatment facility)	<ul style="list-style-type: none"> • Chapter 1355 • 28 TAC §11.510(3)
<input type="checkbox"/> In Vitro Fertilization Procedures	<ul style="list-style-type: none"> • Chapter 1366, Subchapter A • 28 TAC §11.510(1)
<input type="checkbox"/> Speech & Hearing	<ul style="list-style-type: none"> • Chapter 1365 • 28 TAC §11.510(2)
<i>COVERAGE STANDARDS</i>	
<input type="checkbox"/> Complications of Pregnancy	28 TAC §21.405
<input type="checkbox"/> Contraceptive Drugs & Devices and Related Services	<ul style="list-style-type: none"> • Chapter 1369, Subchapter C • 28 TAC §21.404(3)
<input type="checkbox"/> Coverage Terms: Group contract holder is liable for enrollee premiums from the time the enrollee is no longer part of the group until the end of the month in which the contract holder notifies HMO. Enrollee remains covered until the end of that period	§843.210
<input type="checkbox"/> Discrimination-General Requirements Applicable to HMOs	Chapter 544
<input type="checkbox"/> HIV/AIDs-HMO may not exclude or deny coverage for HIV, AIDS or HIV-related illness	Chapter 1364
<input type="checkbox"/> Fibrocystic Breast Conditions	Chapter 544, Subchapter E
<input type="checkbox"/> Maternity Discrimination Prohibited (when maternity benefits covered)	28 TAC §21.404(6)
<input type="checkbox"/> Pharmacy Benefits (if drugs are covered)	28 TAC §11.1605
<input type="checkbox"/> Point of Service & POS Riders	<ul style="list-style-type: none"> • §§843.107-108 • 28 TAC Chapter 11, Subchapter Z • 28 TAC Chapter 21, Subchapter U • Chapter 1273
<input type="checkbox"/> Victims of Family Violence	Chapter 544, Subchapter D
<i>ENROLLMENT FORM/APPLICATION</i>	
<input type="checkbox"/> COBRA & State Continuation	<ul style="list-style-type: none"> • §§1271.301-305 • 28 TAC §11.506(6)
<input type="checkbox"/> Disability	28 TAC §11.1602
<input type="checkbox"/> OB/GYN-Selection	28 TAC §11.506(23)(F)

<input type="checkbox"/> POS Election	28 TAC §11.2206
<input type="checkbox"/> Primary Language other than English	28 TAC §11.1602
MEMBER IDENTIFICATION CARDS	
<input type="checkbox"/> Basic Information	28 TAC §11.1601
CONVERSION CONTRACTS ONLY	
<input type="checkbox"/> Consideration	28 TAC §11.507(3)
<input type="checkbox"/> Continuance of Coverage Due to Change in Marital Status	28 TAC §11.507(4)
<input type="checkbox"/> Conversion Privilege	<ul style="list-style-type: none"> • 28 TAC §11.511(4) • §§1271.306-307
<input type="checkbox"/> Texas Health Risk Pool-Notice	28 TAC §11.506(6)
<input type="checkbox"/> Reinstatement	28 TAC §11.507(1)
<input type="checkbox"/> Ten Days to Examine Agreement	28 TAC §11.507(2)

****Unless otherwise stated, all articles, sections, chapters and subchapters cited are to the Texas Insurance Code.**