

Health Maintenance Organization (HMO) Physician / Provider Contract Requirements

This document is provided as a resource when establishing contracts between HMOs and providers. The reader must verify all requirements, and the accuracy and completeness of the information provided by consulting the Texas Insurance Code (TIC), Title 28 of the Texas Administrative Code (28 TAC), and other applicable laws relating to health maintenance organizations (HMO) and physicians / health care providers, or by asking legal advice from his or her own attorney.

Note: The Texas Department of Insurance does not administer or regulate subject entities or individuals solely using this document.

Filing Requirements

Page _____ : HMO must file a copy of the form of any new contract or subcontracts or any substantive changes to previously filed copies of the contracts - [28 TAC Section 11.301\(4\)\(C\)](#)

HMO Definitions

Page _____ : Texas Insurance Codes - [TIC Section 843.002](#)

Page _____ : Texas Administrative Code - [28 TAC Section 11.2](#)

HMO Certificate of Authority Applicability

Page _____ : Applicability to physicians & providers - [TIC Section 843.073](#), [TIC Section 843.101](#)

Page _____ : Applicability to medical school & medical & dental unit - [TIC Section 843.074](#)

Required Provisions in Physician and Provider Contracts

Page _____ : Hold harmless provision (contracts and subcontracts) - [TIC Section 843.361](#), [28 TAC Section 11.901\(a\)](#)

Page _____ : Retaliatory action prohibited - [TIC Section 843.281](#), [28 TAC Section 11.901\(b\)\(1\)](#)

Page _____ : Continuity of treatment for an enrollee who has a special circumstance - [TIC Section 843.362](#), [28 TAC Section 11.901\(b\)\(2\)](#)

Page _____ : Termination of physician/provider and notice to enrollees - [TIC Section 843.306 – 843.309](#), [28 TAC Section 11.901\(d\)](#)

Page _____ : Posting complaint notice in physician/provider office - [TIC Section 843.283](#), [28 TAC Section 11.901\(b\)\(4\)](#)

Page _____ : Certain indemnity clauses prohibited - [TIC Section 843.310](#), [28 TAC Section 11.901\(b\)\(5\)](#)

Page _____ : Prompt payment of claims & submission of clean claims - [TIC Chapter 843, Subchapter J, 28 TAC Section 11.901\(b\)\(6\), 28 TAC Chapter 21, Subchapter T](#)

Page _____ : Electronic health care transactions - [TIC Chapter 1213, 28 TAC Section 11.901\(b\)\(10\), 28 TAC Section 21.3701](#)

Page _____ : Rejection of batched claims (required contract provision when requested by physician or provider) - [TIC Section 843.323, 28 TAC Section 11.901\(b\)\(10\)](#)

Page _____ : Capitation - [TIC Section 843.315 & 843.316, 28 TAC Section 11.901\(b\)\(7\)](#)

Page _____ : Selection of primary physician/provider - [TIC Section 843.315, 28 TAC Section 11.901\(b\)\(8\)](#)

Page _____ : Fee-schedules and coding procedures – disclosure of certain information - [TIC Section 843.321, 28 TAC Section 11.901\(c\)\(1\)\(A\)\(i\)](#)

Page _____ : Podiatrist – requirements for contract with podiatrist - [TIC Section 843.311, 28 TAC Section 11.901\(b\)\(9\)](#)

Page _____ : Dentist – requirements for contract with dentist - [TIC Section 843.3115](#)

Page _____ : Hospitalist - [TIC Section 843.320, 28 TAC Section 11.902,](#)

Page _____ : Pharmacist contract – immunization and vaccination protocols - [28 TAC Section 11.904\(b\)](#)

Applicable Requirements Relating to Physician and Provider

These are only samples of requirements relevant to providers and the reader must review the TIC and TDI rules for all requirements.

Page _____ : Disclosure to physician or provider of application procedures and qualification requirements - [TIC Section 843.302](#)

Page _____ : Annual application period for physicians & providers - [TIC Section 843.305](#)

Page _____ : Denial of initial contract – Notice [TIC Section 843.303\(a\)](#)

Page _____ : Exclusion of provider based on type of license prohibited - [TIC Section 843.304](#)

Page _____ : Physician and provider communications - [TIC Section 843.363, 28 TAC Section 11.903](#)

Page _____ : Inducement to limit medically necessary services provided - [TIC Section 843.314](#)

Page _____ : Acupuncturist services - [TIC Section 843.3041](#)

Page _____ : Nurse first assistant - [TIC Section 843.3045, 28 TAC Section 11.902](#)

Page _____ : Podiatrist - [TIC Section 843.303\(c\), TIC Section 843.319, 28 TAC Section 11.902](#)

Page _____ : Physician assistant and advanced practice nurse - [TIC Section 843.312](#), [28 TAC Section 11.902](#)

Page _____ : Optometrists, therapeutic optometrists, and ophthalmologist-Prohibited Conduct by HMO - [TIC Section 1451.156](#)

Page _____ : Economic profiling - [TIC Section 843.313](#)

Page _____ : Provision of services related to immunizations and vaccinations - [TIC Chapter 1353](#), [28 TAC Section 11.904\(a\)](#)

Page _____ : Designation of specialist as primary care physician (chronic, disabling, or life-threatening illnesses - [TIC Chapter 1271, Subchapter E](#)

Page _____ : Out-of-network services – covered services not available through network physicians or providers - [TIC Section 1271.055](#)

Page _____ : Facility-based physicians – disclosure of status - [TIC Chapter 1456](#)

Page _____ : Standard request form for prior authorization of health care services - [TIC Chapter 1217](#)

Page _____ : Electronic transmission of eligibility and payment status - [TIC Chapter 1274](#)

Page _____ : Disclosure of reimbursement guidelines – non-network health care provider - [TIC Chapter 1453](#)

Page _____ : Equal health care for women - [TIC Chapter 1454](#)

Page _____ : Provider network contract arrangements - [TIC Chapter 1458](#)

Page _____ : Physician rankings - [TIC Chapter 1460](#)

Page _____ : Health information technology – “real time information” - [TIC Chapter 1661](#)

Physician and Provider Credentials

Page _____ : Credentialing of physicians and providers by HMO - [TIC Chapter 1452, Subchapter A](#), [28 TAC Section 11.1902](#)

Page _____ : Expedited credentialing – physicians, podiatrists, and therapeutic optometrists - [TIC Chapter 1452, Subchapters C, D, E](#)

Page _____ : Provisional credentialing status - [TIC Chapter 1457](#)

Questions

If you have questions or require assistance regarding the information provided in this document, please call 512-676-6400, select Option 3.

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