

By: Hinojosa, Blanco, Nichols

S.B. No. 1755

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the operation of certain health care provider
3 participation programs in this state.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 292C.004, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 292C.004. EXPIRATION. The authority of a county to
8 administer and operate a program under this chapter expires
9 December 31, 2027 [~~2023~~].

10 SECTION 2. Section 298A.004, Health and Safety Code, is
11 amended to read as follows:

12 Sec. 298A.004. EXPIRATION. (a) Subject to Section
13 298A.153(d), the authority of the district to administer and
14 operate a program under this chapter expires December 31, 2027
15 [~~2025~~].

16 (b) This chapter expires December 31, 2027 [~~2025~~].

17 SECTION 3. Section 298B.004, Health and Safety Code, is
18 amended to read as follows:

19 Sec. 298B.004. EXPIRATION OF AUTHORITY. (a) Subject to
20 Sections 298B.153(d) and 298B.154, the authority of the district to
21 administer and operate a program under this chapter expires
22 December 31, 2027 [~~2025~~].

23 (b) Subsection (a) does not affect the authority of the
24 district to require and collect a mandatory payment under Section

1 [298B.154](#) after December 31, 2027 [~~2025~~], if necessary.

2 SECTION 4. Section [298E.004](#), Health and Safety Code, is
3 amended to read as follows:

4 Sec. 298E.004. EXPIRATION. (a) Subject to Section
5 [298E.153](#)(d), the authority of a district to administer and operate
6 a program under this chapter expires December 31, 2027 [~~2023~~].

7 (b) This chapter expires December 31, 2027 [~~2023~~].

8 SECTION 5. Section [298F.004](#), Health and Safety Code, is
9 amended to read as follows:

10 Sec. 298F.004. EXPIRATION. (a) Subject to Section
11 [298F.153](#)(d), the authority of the district to administer and
12 operate a program under this chapter expires December 31, 2027
13 [~~2023~~].

14 (b) This chapter expires December 31, 2027 [~~2023~~].

15 SECTION 6. Section [298G.004](#), Health and Safety Code, is
16 amended to read as follows:

17 Sec. 298G.004. EXPIRATION. (a) Subject to Section
18 [298G.153](#)(d), the authority of the district to administer and
19 operate a program under this chapter expires December 31, 2027
20 [~~2023~~].

21 (b) This chapter expires December 31, 2027 [~~2023~~].

22 SECTION 7. Section [299.004](#), Health and Safety Code, is
23 amended to read as follows:

24 Sec. 299.004. EXPIRATION. (a) Subject to Section
25 [299.153](#)(d), the authority of the district to administer and operate
26 a program under this chapter expires December 31, 2025 [~~2023~~].

27 (b) This chapter expires December 31, 2025 [~~2023~~].

1 SECTION 8. Section 300.0003, Health and Safety Code, is
2 amended to read as follows:

3 Sec. 300.0003. APPLICABILITY. This chapter applies only
4 to:

5 (1) a hospital district that is not authorized to
6 create [~~participating in~~] a health care provider participation
7 program under [~~authorized by~~] another chapter of this subtitle; and

8 (2) a county or municipality that [+
9 [(A)] is not authorized to create [~~participating~~
10 ~~in~~] a health care provider participation program under [~~authorized~~
11 ~~by~~] another chapter of this subtitle [~~, and~~

12 [~~(B) is not served by a hospital district or a~~
13 ~~public hospital~~].

14 SECTION 9. Subtitle D, Title 4, Health and Safety Code, is
15 amended by adding Chapter 300B to read as follows:

16 CHAPTER 300B. PROVISIONS GENERALLY APPLICABLE TO HEALTH CARE
17 PROVIDER PARTICIPATION PROGRAMS

18 Sec. 300B.0001. DEFINITION. In this chapter, "qualifying
19 local government" means:

20 (1) a county, municipality, or hospital district that
21 is participating in a health care provider participation program
22 authorized by another chapter of this subtitle;

23 (2) a health care funding district created under
24 Chapter 288; or

25 (3) a health care provider participation district
26 created under Chapter 300A.

27 Sec. 300B.0002. PERMISSIVE POWERS; LIMITATIONS. (a) A

1 qualifying local government is not required to exercise the powers
2 granted by this chapter.

3 (b) A qualifying local government may only exercise the
4 powers granted by this chapter for the health care provider
5 participation program that the qualifying local government
6 administers.

7 (c) Before a qualifying local government exercises a power
8 granted by this chapter, the qualifying local government must
9 comply with procedural requirements relating to the setting of the
10 amount of mandatory payments applicable to the health care provider
11 participation program administered by the qualifying local
12 government, including all applicable public notice and hearing
13 requirements.

14 Sec. 300B.0003. ASSESSMENT BASIS. (a) The governing body
15 of a qualifying local government may require mandatory payments to
16 be assessed against each institutional health care provider located
17 in the qualifying local government on the basis of either:

18 (1) the assessment basis required by the laws
19 applicable to the health care provider participation program
20 administered by the qualifying local government; or

21 (2) any other basis permitted by 42 U.S.C. Section
22 1396b(w)(3).

23 (b) This section may not be construed to affect the
24 authority of a qualifying local government to assess or use
25 mandatory payments in the manner authorized by the laws applicable
26 to the health care provider participation program administered by
27 the qualifying local government.

1 (c) The aggregate amount of the mandatory payments required
2 of all paying providers in the health care provider participation
3 program administered by the qualifying local government may not
4 exceed six percent of the aggregate net patient revenue from
5 hospital services provided in the qualifying local government's
6 jurisdiction.

7 (d) This section does not authorize a qualifying local
8 government to assess a mandatory payment that would qualify as a bed
9 tax or any other tax under the laws of this state.

10 Sec. 300B.0004. ADDITIONAL REPORTING. The governing body
11 of a qualifying local government that is unable to assess mandatory
12 payments in a manner consistent with the requirements of 42 U.S.C.
13 Section 1396b(w) and 42 C.F.R. Section 433.68 using information
14 reported to the governing body by an institutional health care
15 provider may require the institutional health care provider to
16 submit additional information to the governing body as necessary to
17 ensure mandatory payments are assessed in a manner consistent with
18 those requirements.

19 Sec. 300B.0005. REQUEST FOR CERTAIN RELIEF. (a) The
20 governing body of a qualifying local government may request that
21 the Health and Human Services Commission submit a request to the
22 Centers for Medicare and Medicaid Services for relief under 42
23 C.F.R. Section 433.72 for purposes of assuring the qualifying local
24 government's health care provider participation program is
25 administered efficiently, transparently, and in a manner that
26 complies with federal law.

27 (b) If the request for relief under Subsection (a) is

1 granted, the qualifying local government may act in compliance with
2 the terms of the relief. To the extent of a conflict between the
3 terms of the relief and another law, including a provision of this
4 subtitle requiring mandatory payments be assessed in a uniform or
5 broad-based manner, the terms of the relief prevail.

6 Sec. 300B.0006. INTEREST AND PENALTIES. A qualifying local
7 government may impose and collect interest and penalties on
8 delinquent mandatory payments assessed by the qualifying local
9 government under the health care provider participation program it
10 administers in any amount that does not exceed the maximum amount
11 authorized for other payments that are owed to the qualifying local
12 government and are delinquent.

13 SECTION 10. This Act takes effect immediately if it
14 receives a vote of two-thirds of all the members elected to each
15 house, as provided by Section 39, Article III, Texas Constitution.
16 If this Act does not receive the vote necessary for immediate
17 effect, this Act takes effect September 1, 2023.