

BILL ANALYSIS

C.S.S.B. 309
By: Gallegos
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

On July 10, 2001, Attorney General John Cornyn issued Op. Tex. Att’y Gen. No. JC-0394 and concluded that the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (or “Welfare Reform Act”) prohibited the Harris County Hospital District from providing free or discounted non-emergency health care to undocumented aliens. Attorney General Cornyn’s position referenced an AG Order No. 2049-96 by US Attorney General Janet Reno which stated that “certain non-qualified aliens (are) ineligible for state and local public benefits unless the state enacts new legislation... that affirmatively provides for such eligibility.”

This decision placed the burden of caring for undocumented aliens squarely on emergency rooms. To avoid adding even more patients to already overworked emergency rooms, the Harris County Hospital District requested it be given the authority to provide undocumented aliens free or discounted non-emergency health care if it so chose.

The former Attorney General Cornyn has since issued a statement that he would endorse legislation “to allow state and local entities to use their own resources to provide primary and preventive care to undocumented aliens if they so choose.” Former Attorney General Cornyn further urges “the Texas Legislature to pass the appropriate legislation.”

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Amends Section 281.046 by adding subsection (b). This section does not allow persons who live in a district solely to receive health care to be designated as residents.

Chapter 281 is amended by adding Section 281.074. Allows a hospital district to provide nonemergency medical treatment to residents provided that only local funds are used and a cost-sharing system is used to defray the costs.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

- The new language in C.S.S.B. 309 clears up ambiguities that existed in the introduced bill.
- The caption has been changed to more appropriately reflect the intent of the original bill.
- Instead of amending Chapters 64 and 285 of the Health and Safety Code, C.S.S.B. 309 amends Chapter 281 of the Health and Safety Code.
- The substitute adds a provision preventing individuals from residing within the hospital district solely for the purpose of receiving healthcare.

