

By: Puente

H.B. No. 1981

A BILL TO BE ENTITLED

AN ACT

relating to indigent health care, including tertiary care.

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

SECTION 1. Section 61.005(b), Health and Safety Code, is amended to read as follows:

(b) The county, public hospital, or hospital district may not deny or reduce assistance to an eligible resident who cannot [~~or refuses to~~] contribute.

SECTION 2. Sections 61.006(b) and (c), Health and Safety Code, are amended to read as follows:

(b) The minimum eligibility standards must incorporate a net income eligibility level equal to 100 [~~21~~] percent of the federal poverty level based on the federal Office of Management and Budget poverty index.

(c) The department shall also define the services and establish the payment standards for the categories of services listed in Sections 61.028(a) and 61.0285 in accordance with Texas Department of Human Services rules relating to the Temporary Assistance for Needy Families-Medicaid program. The payment standards established under this subsection must be based on reasonable and customary compensation for the services.

SECTION 3. Section 61.028(a), Health and Safety Code, is amended to read as follows:

(a) A county shall, in accordance with department rules

adopted under Section 61.006, provide the following basic health care services:

(1) primary and preventative services designed to meet the needs of the community, including:

(A) immunizations;

(B) medical screening services; and

(C) annual physical examinations;

(2) inpatient and outpatient hospital services;

(3) rural health clinics;

(4) laboratory and X-ray services;

(5) family planning services;

(6) physician services;

(7) emergency medical services;

(8) durable medical equipment;

(9) payment for not more than three prescription drugs a month; and

(10) [(8)] skilled nursing facility services, regardless of the patient's age.

SECTION 4. Section 61.0285(a), Health and Safety Code, is amended to read as follows:

(a) In addition to basic health care services provided under Section 61.028, a county may, in accordance with department rules adopted under Section 61.006, provide other medically necessary services or supplies that the county determines to be cost-effective, including:

(1) ambulatory surgical center services;

(2) diabetic and colostomy medical supplies and

1 equipment;

2 (3) [~~durable medical equipment,~~

3 [~~(4)~~] home and community health care services;

4 (4) [~~(5)~~] services provided by licensed master  
5 medical social workers--advanced clinical practitioners;

6 (5) [~~(6)~~] psychological counseling services;

7 (6) [~~(7)~~] services provided by physician assistants,  
8 nurse practitioners, certified nurse midwives, clinical nurse  
9 specialists, and certified registered nurse anesthetists;

10 (7) [~~(8)~~] dental care;

11 (8) [~~(9)~~] vision care, including eyeglasses;

12 (9) [~~(10)~~] services provided by federally qualified  
13 health centers, as defined by 42 U.S.C. Section 1396d(1)(2)(B); and

14 (10) [~~(11)~~] ~~emergency medical services; and~~

15 [~~(12)~~] any other appropriate health care service  
16 identified by board rule that may be determined to be  
17 cost-effective.

18 SECTION 5. Sections 61.032(a) and (e), Health and Safety  
19 Code, are amended to read as follows:

20 (a) If a nonmandated provider delivers emergency services  
21 to a patient who the provider suspects might be eligible for  
22 assistance under this subchapter, the provider shall notify the  
23 patient's county of residence that emergency services have been or  
24 will be provided to the patient. The notice shall be made:

25 (1) by telephone not later than the 30th day [~~72nd~~  
26 ~~hour~~] after the date the provider determines the patient's county  
27 of residence; or [~~and~~]

1           (2) by mail postmarked not later than the 30th [~~fifth~~  
2 ~~working~~] day after the date on which the provider determines the  
3 patient's county of residence.

4           (e) If the county and the provider disagree on the patient's  
5 residence or eligibility:

6                 (1) [7] the county or the provider may submit the  
7 matter to the department as provided by Section 61.004; or

8                 (2) the provider may bring an action against the  
9 county to determine the residence or eligibility of the patient and  
10 recover any amount owed.

11           SECTION 6. Section 61.033, Health and Safety Code, is  
12 amended by amending Subsection (a) and adding Subsection (c) to  
13 read as follows:

14           (a) To the extent prescribed by this chapter, a county is  
15 liable for health care services provided under this subchapter by  
16 any provider, including a public hospital or hospital district, to  
17 an eligible county resident. A county is not liable for payment for  
18 health care services provided:

19                 (1) by any provider, including a public hospital or  
20 hospital district, to a resident of that county who resides in the  
21 service area of a public hospital or hospital district that is  
22 actually operating and providing services to residents; or

23                 (2) to an eligible resident of that county who does not  
24 reside within the service area of a public hospital or hospital  
25 district by a hospital having a Hill-Burton or state-mandated  
26 obligation to provide free services and considered to be in  
27 noncompliance with the requirements of the Hill-Burton or

1 state-mandated obligation.

2 (c) A county that is liable under this chapter for health  
3 care services provided by any provider shall pay the provider in  
4 accordance with Chapter 2251, Government Code. Chapter 2251,  
5 Government Code, applies with respect to services rendered in  
6 accordance with this chapter in the same manner as if a contract  
7 were in effect between the county and the provider.

8 SECTION 7. Subchapter D, Chapter 502, Transportation Code,  
9 is amended by adding Section 502.1711 to read as follows:

10 Sec. 502.1711. ADDITIONAL FEE FOR TRAUMA CENTERS. (a) In  
11 addition to the registration fee for registration of a motor  
12 vehicle under this chapter, a fee of \$5 shall be collected.

13 (b) On the first Monday of each month, the county  
14 assessor-collector shall send the fee collected under Subsection  
15 (a) to the comptroller for deposit in the tertiary care account  
16 under Section 46.003, Health and Safety Code.

17 (c) The county assessor-collector may retain an amount  
18 equal to not more than 10 percent of each fee collected under  
19 Subsection (a). The assessor-collector shall deposit any amount  
20 retained under this subsection in the county treasury to the credit  
21 of the general fund and shall petition the commissioners court for  
22 the amount necessary to administer this section. The commissioners  
23 court may allocate money deposited in the county treasury under  
24 this subsection that is not allocated to the assessor-collector to  
25 administer this section for general purposes of the county.

26 SECTION 8. Section 502.102(a), Transportation Code, is  
27 amended to read as follows:

1 (a) Except as provided by Sections 502.103, ~~[and]~~ 502.104,  
2 and 502.1711, this section applies to all fees collected by a county  
3 assessor-collector under this chapter.

4 SECTION 9. Subchapter A, Chapter 102, Code of Criminal  
5 Procedure, is amended by adding Article 102.0181 to read as  
6 follows:

7 Art. 102.0181. ADDITIONAL COSTS ATTENDANT TO INTOXICATION  
8 CONVICTIONS: TRAUMA CENTERS. (a) In addition to the costs on  
9 conviction imposed by Articles 102.016 and 102.018, a person  
10 convicted of an offense under Chapter 49, Penal Code, other than an  
11 offense under Section 49.02 or 49.031, Penal Code, shall pay \$100 on  
12 conviction of the offense.

13 (b) Costs imposed under this article are imposed without  
14 regard to whether the defendant is placed on community supervision  
15 after being convicted of the offense.

16 (c) Costs imposed under this article are collected in the  
17 same manner as other costs collected under Article 102.075.

18 (d) The officer collecting the costs under this article  
19 shall keep separate records of the money collected and shall pay the  
20 money to the custodian of the county treasury.

21 (e) The custodian of the county treasury shall:

22 (1) keep records of the amount of money collected  
23 under this article that is deposited with the treasury under this  
24 article; and

25 (2) not later than the last day of the first month  
26 following each calendar quarter:

27 (A) pay the money collected under this article

1 during the preceding calendar quarter to the comptroller, except as  
2 provided by Subsection (f); or

3 (B) if, in the calendar quarter, the custodian of  
4 the county treasury did not receive any money attributable to costs  
5 paid under this article, file a report with the comptroller stating  
6 that fact.

7 (f) A county that complies with Subsection (e) may retain  
8 not more than 10 percent of the money collected under this article  
9 for administration of collection of the money.

10 (g) The comptroller may audit the collection of money under  
11 this article.

12 (h) The comptroller shall deposit the funds received under  
13 this article to the credit of the tertiary care account established  
14 under Section 46.003, Health and Safety Code.

15 (i) Section 403.095, Government Code, does not apply to  
16 funds deposited to the tertiary care account under this article.

17 SECTION 10. Sections 61.032(f) and 61.035, Health and  
18 Safety Code, are repealed.

19 SECTION 11. The tertiary care account under Section 46.003,  
20 Health and Safety Code, is re-created as a dedicated account in the  
21 general revenue fund.

22 SECTION 12. The change in law made by Sections 1-6 of this  
23 Act apply only to health care services provided on or after January  
24 1, 2004. Health care services provided before January 1, 2004, are  
25 governed by the law as it existed before the effective date of this  
26 Act, and that law is continued in effect for that purpose.

27 SECTION 13. Sections 7 and 8 of this Act take effect January

1 1, 2004, and apply only to the registration of a motor vehicle that  
2 is applied for on or after that date, but only if the constitutional  
3 amendment proposed by the 78th Legislature, Regular Session, 2003,  
4 authorizing the use of motor vehicle registration fees to support  
5 trauma centers is approved by the voters. If that amendment is not  
6 approved by the voters, Sections 7 and 8 of this Act have no effect.

7 SECTION 14. (a) Article 102.0181, Code of Criminal  
8 Procedure, as added by this Act, takes effect January 1, 2004, and  
9 applies only to an offense committed on or after that date. For  
10 purposes of this section, an offense is committed before January 1,  
11 2004, if any element of the offense occurs before that date.

12 (b) An offense committed before January 1, 2004, is governed  
13 by the law in effect at the time the offense was committed, and the  
14 former law is continued in effect for that purpose.

15 SECTION 15. Except as provided by Sections 13 and 14 of this  
16 Act, this Act takes effect September 1, 2003.