

By: Coleman

H.B. No. 2606

A BILL TO BE ENTITLED

AN ACT

relating to access to and funding for women's health care services.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Sections 32.062 and 32.063 to read as follows:

Sec. 32.062. DEMONSTRATION PROJECT FOR WOMEN'S HEALTH CARE SERVICES. (a) The department shall establish a five-year demonstration project through the medical assistance program to expand access to preventive health and family planning services for women. A woman eligible under Subsection (b) to participate in the demonstration project may receive preventive health and family planning services, including:

- (1) medical history;
- (2) physical examination;
- (3) counseling and education on contraceptive methods;
- (4) provision of contraceptives;
- (5) health screenings, including screening for:
  - (A) diabetes;
  - (B) cervical cancer;
  - (C) breast cancer;
  - (D) sexually transmitted diseases;
  - (E) hypertension;
  - (F) cholesterol; and

1                   (G) tuberculosis;  
2                   (6) risk assessment; and  
3                   (7) referral of medical problems to appropriate  
4 providers.

5           (b) A woman is eligible to participate in the demonstration  
6 project if the woman:

7                   (1) is 18 years of age or older;

8                   (2) has a net family income that is at or below 185  
9 percent of the federal poverty level; and

10                   (3) is not otherwise eligible for the medical  
11 assistance program.

12           (c) The department shall develop procedures for determining  
13 and certifying presumptive eligibility for a woman eligible under  
14 Subsection (b). The department shall integrate these procedures  
15 with current procedures to minimize duplication of effort by  
16 providers, the department, and other state agencies.

17           (d) The department shall provide for 12 months of continuous  
18 eligibility for a woman eligible under Subsection (b).

19           (e) The department shall compile a list of potential funding  
20 sources a client can use to help pay for treatment for health  
21 problems:

22                   (1) identified using services provided to the client  
23 under the demonstration project; and

24                   (2) for which the client is not eligible to receive  
25 treatment under the medical assistance program.

26           (f) Not later than December 1 of each even-numbered year,  
27 the department shall submit a report to the legislature that

1 includes a statement of the department's progress in establishing  
2 and operating under the demonstration project.

3 (g) To the extent required by federal budget neutrality  
4 requirements, the department may establish an appropriate  
5 enrollment limit for the demonstration project.

6 (h) This section expires September 1, 2009.

7 Sec. 32.063. LIMITATIONS ON CERTAIN EXPENDITURES. (a) In  
8 this section:

9 (1) "Abortion" has the meaning assigned by Section  
10 33.001, Family Code.

11 (2) "Abortion-related service" means a service, other  
12 than an emergency service, provided by referral to a provider for,  
13 in preparation for, or concurrent with an abortion.

14 (b) The department or another health and human services  
15 agency may not directly or indirectly pay for an abortion or  
16 abortion-related service through the medical assistance program  
17 under this chapter unless that payment is authorized by federal  
18 law.

19 SECTION 2. The state agency responsible for implementing  
20 the demonstration project required by Section 32.062, Human  
21 Resources Code, as added by this Act, shall request and actively  
22 pursue any necessary waivers or authorizations from the Centers for  
23 Medicare and Medicaid Services or other appropriate entities to  
24 enable the agency to implement the demonstration project not later  
25 than September 1, 2004. The agency may delay implementing the  
26 demonstration project until the necessary waivers or  
27 authorizations are granted.

1           SECTION 3.   This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution.  If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2003.