

BILL ANALYSIS

S.B. 747
By: Carona
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently in Texas, women seeking preventative health and family planning services, who are Medicaid clients, are only eligible if they are living at or below 17 percent of the federal poverty level. Under federal Medicaid rules, the federal government provides a 90/10 match for these services. As proposed, S.B. 747 requires the Health and Human Services Commission (HHSC) to create a Medicaid waiver program expanding eligibility to women living at or below 185 percent of the federal poverty level for preventative health and family planning services, increasing access to these services and allowing the state to draw down additional federal Medicaid funding.

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

The bill requires the HHSC to establish a five-year demonstration project through the medical assistance program to expand access to preventative health and family planning services for women. A woman eligible for the demonstration project (project) may receive appropriate preventative health and family planning services, including: medical history recording and evaluation, physical examinations, health screenings, counseling and education on contraceptive methods and the provision of contraceptives, except for counseling, education, provision of emergency contraception, risk assessment, and referral of medical problems to appropriate providers that are entities or organizations that do not perform or promote elective abortions or contract or affiliate with entities that perform or promote elective abortions.

The bill sets forth eligibility requirements for a woman to participate in the project, to include: 18 years of age, net family income that is at or below 185 percent of the federal poverty level, participates in or receives benefits from any of the medical assistance program, financial assistance program, nutritional assistance program, Supplemental Food Program for Women, Infants and Children, or another program administered by the state that requires documentation of income and limits eligibility to persons with income equal to or less than the income eligibility guidelines applicable to the medical assistance program, is presumed eligible, or has a member of their family that participates in one of the aforementioned programs.

The bill requires HHSC to ensure that the standards of care provided to a woman participating in the project are consistent with the requirements of law and current best practices for provision of public health services.

The bill requires HHSC to develop procedures for determining and certifying eligibility for services under the project at the point of service delivery using integrated procedures that minimize duplication of effort by providers, HHSC, and other state agencies. Prohibits HHSC from using a procedure that would require a cost in excess of 10 percent of the total costs of actual preventive health and family planning services provided under the demonstration project. Authorizes the eligibility procedure to provide for expedited determination and certification using a simplified form requiring only family income and family size.

The bill requires HHSC to compile a list of potential funding sources a woman participating in the project may be able to use to help pay for treatment for certain health problems that are

identified using services provided under the project and for which the woman is not eligible to receive treatment under the medical assistance program or the project.

The bill requires providers of services under the project to comply with requests made by HHSC for information necessary for HHSC to make efficient use of money spent for the operation and administration of the project, report and provide information required by federal law, and compile a report that the HHSC is required to submit to the legislature a report regarding their progress in establishing and operating the project not later than December 1 of each even-numbered year.

The bill requires HHSC to ensure that money spent under this project, regardless of funding source, is not used to perform or promote elective abortions. HHSC may not contract with entities that perform or promote elective abortions or are affiliates of entities that perform or promote elective abortions.

The bill provides that the Demonstration Project for Women's Health Care Services expires September 1, 2011.

The bill authorizes delay of implementation of any provision of this bill until necessary federal waivers or authorizations are obtained and requires the state agency responsible for implementing the project required by Section 32.0248, Human Resources Code, as added by this bill, to implement the project not later than September 1, 2006.

EFFECTIVE DATE

Upon passage, or, if the act does not receive the necessary vote, the Act takes effect September 1, 2005.