

By: Chavez

H.B. No. 954

A BILL TO BE ENTITLED

AN ACT

relating to the collection and reporting of employment information regarding beneficiaries of certain health care services.

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

SECTION 1. Chapter 531, Government Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. DATA COLLECTION AND REPORTING RELATING TO EMPLOYERS OF BENEFICIARIES OF CERTAIN HEALTH CARE SERVICES

Sec. 531.451. DEFINITIONS. In this subchapter:

(1) "Charitable care or services" means all care or services provided for free or at discounted amounts at or below actual costs based on a person's ability to pay. The term does not include care or services covered by the Medicare program or provided through public health care assistance.

(2) "Hospital" means a general or special hospital licensed under Chapter 241, Health and Safety Code.

(3) "Proposed beneficiary of public health care assistance" means the person on whose behalf an application for public health care assistance is filed, including the applicant or a dependent child or other dependent of the applicant.

(4) "Proposed beneficiary of charitable care or services" means the person on whose behalf charitable care or services are requested, including the person making the request or a dependent child or other dependent of the person making the

1 request.

2 (5) "Public health care assistance" means:

3 (A) medical assistance under Chapter 32, Human
4 Resources Code;

5 (B) health benefits coverage under Chapter 62 or
6 63, Health and Safety Code;

7 (C) health care assistance provided by a county
8 under Chapter 61, Health and Safety Code; or

9 (D) medical assistance or benefits provided by a
10 public health care program not described in this subdivision that
11 is administered by the commission or a health and human services
12 agency.

13 Sec. 531.452. APPLICATION FOR PUBLIC HEALTH CARE
14 ASSISTANCE; EMPLOYMENT INFORMATION. (a) The executive
15 commissioner by rule shall require a person applying for public
16 health care assistance to identify the employer or employers of the
17 proposed beneficiary of the assistance.

18 (b) If the proposed beneficiary of the public health care
19 assistance is not employed, the applicant shall identify the
20 employer or employers of a person who is legally liable for the
21 proposed beneficiary's support.

22 Sec. 531.453. REQUEST FOR CHARITABLE HOSPITAL CARE OR
23 SERVICES; EMPLOYMENT INFORMATION. (a) Each hospital shall require
24 a person requesting charitable care or services from the hospital
25 to identify the employer or employers of the proposed beneficiary
26 of the care or services.

27 (b) If the proposed beneficiary of charitable care or

1 services provided by the hospital is not employed, the applicant
2 shall identify the employer or employers of a person who is legally
3 liable for the proposed beneficiary's support.

4 (c) On at least an annual basis, each hospital shall provide
5 to the commission the employer information received under this
6 section with respect to each person receiving charitable care or
7 services at the hospital.

8 Sec. 531.454. RULEMAKING AUTHORITY. The executive
9 commissioner shall adopt rules as necessary to implement this
10 subchapter, including rules relating to reporting time frames and
11 procedures.

12 Sec. 531.455. COOPERATION OF TEXAS WORKFORCE COMMISSION.
13 On request of the executive commissioner, the Texas Workforce
14 Commission shall provide information to the executive commissioner
15 regarding persons who are employers.

16 Sec. 531.456. REPORT. (a) In this section:

17 (1) "Beneficiary of public health care assistance"
18 means a person who is receiving public health care assistance or who
19 has a dependent child or other dependent that is receiving that
20 assistance.

21 (2) "Beneficiary of charitable care or services
22 provided by a hospital" means a person who received charitable care
23 or services at a hospital or who has a dependent child or other
24 dependent who received that care or those services.

25 (3) "Employer" means a person engaged in an industry
26 affecting commerce who has 25 or more employees for each working day
27 in each of 20 or more calendar weeks in the current or preceding

1 calendar year. The term includes this state or a political
2 subdivision of this state.

3 (4) "Organization" means a corporation, limited or
4 general partnership, limited liability company, business trust,
5 real estate investment trust, joint venture, joint stock company,
6 cooperative, association, bank, insurance company, credit union,
7 savings and loan association, or other organization organized under
8 the laws of this or another state, regardless of whether the
9 organization is for-profit or nonprofit.

10 (5) "Subsidiary" means an organization for which
11 another organization, either directly or indirectly through or with
12 one or more of its other subsidiaries:

13 (A) owns at least 50 percent of the outstanding
14 ownership or membership interests of the organization; or

15 (B) possesses at least 50 percent of the voting
16 power of persons holding an ownership or membership interest of the
17 organization.

18 (b) Not later than January 15 of each year, the commission,
19 after compiling and analyzing the information received under this
20 subchapter, shall prepare a written report regarding employers
21 identified under this subchapter during the immediately preceding
22 calendar year. The report must include:

23 (1) the name and business address of each employer in
24 this state that employs 25 or more persons in a calendar year who
25 are beneficiaries of public health care assistance or charitable
26 care or services provided by a hospital;

27 (2) for each employer described by Subdivision (1):

1 (A) the name and business address of each
2 subsidiary of the employer that has one or more business offices
3 located in this state, if any;

4 (B) the total number of employees receiving
5 public health care assistance;

6 (C) the total number of employees' dependent
7 children or other dependents receiving public health care
8 assistance;

9 (D) the total number of employees receiving
10 charitable care or services at a hospital; and

11 (E) the total number of employees' dependent
12 children or other dependents receiving charitable care or services
13 at a hospital; and

14 (3) the commission's analysis of the fiscal impact on
15 this state of providing public health care assistance to the
16 persons described by Subdivisions (2)(B) and (C).

17 (c) In determining whether the 25-employee threshold is met
18 for an employer for purposes of Subsection (b)(1), the commission
19 shall also include persons employed by each of the employer's
20 subsidiaries as required to be disclosed under Subsection
21 (b)(2)(A).

22 (d) The report may not include the name of a beneficiary of
23 public health care assistance or charitable care or services
24 provided by a hospital or other information that is made
25 confidential by law.

26 (e) The commission shall make the report available to the
27 public on the commission's Internet website.

1 (f) The commission shall provide a copy of the report in
2 written form to any person requesting the report.

3 SECTION 2. The executive commissioner of the Health and
4 Human Services Commission shall adopt any rules necessary to
5 implement Subchapter M, Chapter 531, Government Code, as added by
6 this Act, not later than January 1, 2006.

7 SECTION 3. This Act takes effect September 1, 2005.