

Suspending limitations on conference committee
jurisdiction, H.B. No. 3540 (Pitts/Ogden)

By: Pitts

H.R. No. 2277

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 79th Legislature, Regular Session, 2005, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 3540 (certain fiscal matters
6 affecting governmental entities) to consider and take action on the
7 following matter:

8 (1) House Rule 13, Section 9(a)(2), is suspended to permit
9 the committee to omit the text of Article 1 of the bill as follows:

10 ARTICLE 1. DELAYED ELIGIBILITY FOR MEMBERSHIP IN EMPLOYEES

11 RETIREMENT SYSTEM OF TEXAS

12 SECTION 1.01. Section 812.003(e), Government Code, is
13 amended to read as follows:

14 (e) Membership [~~For persons whose employment or office~~
15 ~~holding begins before September 1, 2005, membership]~~ in the
16 employee class begins on the 91st day after the first day a person
17 is employed or holds office.

18 SECTION 1.02. Sections 812.003(d) and (h), Government Code,
19 are repealed.

20 Explanation: The change is necessary to omit provisions
21 relating to delayed eligibility for membership in the Employees
22 Retirement System of Texas.

23 (2) House Rule 13, Section 9(a)(2), is suspended to permit
24 the committee to omit the text of the title to Article 2 of the bill

1 as follows:

2 ARTICLE 2. WAIVER OF AND SUPPLEMENTAL HEALTH COVERAGE FOR STATE
3 EMPLOYEES

4 Explanation: The change is necessary to conform to the
5 deletion of the other provisions of Article 2 of the bill relating
6 to waiver of and supplemental health coverage for state employees,
7 which was a matter of disagreement between the houses. In addition,
8 that article is included in the conference committee report for
9 S.B. No. 1863.

10 (3) House Rule 13, Section 9(a)(2), is suspended to permit
11 the committee to omit the text of Section 1551.104(a), Insurance
12 Code, as follows:

13 (a) Subject to Sections 1551.101 and 1551.102, each
14 full-time employee is covered automatically by the basic coverage
15 plan for employees and each annuitant is covered by the basic
16 coverage plan for annuitants unless:

17 (1) participation is specifically waived as provided
18 by Section 1551.1045;

19 (2) the employee or annuitant is expelled from the
20 program under Section 1551.351; or

21 (3) eligibility is otherwise limited by this chapter.

22 Explanation: The change is necessary to conform to the
23 deletion of the other provisions of Article 2 of the bill relating
24 to waiver of and supplemental health coverage for state employees,
25 which was a matter of disagreement between the houses. In addition,
26 that article is included in the conference committee report for
27 S.B. No. 1863.

1 (4) House Rule 13, Section 9(a)(2), is suspended to permit
2 the committee to omit the text of Section 1551.1045(a), Insurance
3 Code, as follows:

4 (a) Subject to Subsections (b) and (c), an employee or
5 annuitant may waive in writing any coverage provided under this
6 chapter.

7 Explanation: The change is necessary to conform to the
8 deletion of the other provisions of Article 2 of the bill relating
9 to waiver of and supplemental health coverage for state employees,
10 which was a matter of disagreement between the houses. In addition,
11 that article is included in the conference committee report for
12 S.B. No. 1863.

13 (5) House Rule 13, Section 9(a)(2), is suspended to permit
14 the committee to omit the text of Section 1551.222, Insurance Code,
15 as follows:

16 Sec. 1551.222. INCENTIVE PAYMENTS. (a) The board of
17 trustees may allow an incentive payment under this section to an
18 employee or annuitant who elects to waive coverage under the basic
19 coverage plan for employees or annuitants as provided by Section
20 1551.1045(b) or (c).

21 (b) The incentive payment authorized by this section is in
22 the amount authorized by the General Appropriations Act and may be
23 used by the employee or annuitant, in the manner prescribed by the
24 board of trustees, only to pay for other group coverage plans
25 provided under the group benefits program.

26 (c) The board of trustees, at the time of initial enrollment
27 in the group benefits program and during subsequent open-enrollment

1 periods, shall inform employees and annuitants that they may make
2 an election described by Subsection (a), if eligible, and receive
3 any authorized incentive payment.

4 Explanation: The change is necessary to conform to the
5 deletion of the other provisions of Article 2 of the bill relating
6 to waiver of and supplemental health coverage for state employees,
7 which was a matter of disagreement between the houses. In addition,
8 that article is included in the conference committee report for
9 S.B. No. 1863.

10 (6) House Rule 13, Section 9(a)(2), is suspended to permit
11 the committee to omit the text of Section 1551.324, Insurance Code,
12 as follows:

13 Sec. 1551.324. REDUCTION IN CONTRIBUTION FOR CERTAIN ACTIVE
14 EMPLOYEES AND ANNUITANTS; INCENTIVE PAYMENTS. (a) Notwithstanding
15 any other provision of this subchapter, the state contribution for
16 an employee's coverage or an annuitant's coverage under this
17 chapter may be reduced, as provided in the General Appropriations
18 Act, to reflect the reduced cost of coverage for an employee or
19 annuitant who elects to waive basic coverage as provided by Section
20 1551.1045(b) or (c).

21 (b) Instead of the full state contribution for an employee
22 or annuitant who makes an election described by Subsection (a), the
23 state may contribute, as specified by the General Appropriations
24 Act, an amount for the incentive payment authorized by Section
25 1551.222.

26 Explanation: The change is necessary to conform to the
27 deletion of the other provisions of Article 2 of the bill relating

1 to waiver of and supplemental health coverage for state employees,
2 which was a matter of disagreement between the houses. In addition,
3 that article is included in the conference committee report for
4 S.B. No. 1863.

5 (7) House Rule 13, Section 9(a)(2), is suspended to permit
6 the committee to omit the text of Article 4 of the bill as follows:

7 ARTICLE 4. EXTENDING STATE REIMBURSEMENT PROGRAM: PETROLEUM
8 STORAGE TANKS

9 SECTION 4.01. Section 26.351(f), Water Code, is amended to
10 read as follows:

11 (f) The person performing corrective action under this
12 section, if the release was reported to the commission on or before
13 December 22, 1998, shall meet the following deadlines:

14 (1) a complete site assessment and risk assessment
15 (including, but not limited to, risk-based criteria for
16 establishing target concentrations), as determined by the
17 executive director, must be received by the agency no later than
18 September 1, 2002;

19 (2) a complete corrective action plan, as determined
20 by the executive director and including, but not limited to,
21 completion of pilot studies and recommendation of a cost-effective
22 and technically appropriate remediation methodology, must be
23 received by the agency no later than September 1, 2003. The person
24 may, in lieu of this requirement, submit by this same deadline a
25 demonstration that a corrective action plan is not required for the
26 site in question under commission rules. Such demonstration must
27 be to the executive director's satisfaction;

1 (3) for those sites found under Subdivision (2) to
2 require a corrective action plan, that plan must be initiated and
3 proceeding according to the requirements and deadlines in the
4 approved plan no later than March 1, 2004;

5 (4) for sites which require either a corrective action
6 plan or groundwater monitoring, a comprehensive and accurate annual
7 status report concerning those activities must be submitted to the
8 agency;

9 (5) for sites which require either a corrective action
10 plan or groundwater monitoring, all deadlines set by the executive
11 director concerning the corrective action plan or approved
12 groundwater monitoring plan shall be met; and

13 (6) for sites that require either a corrective action
14 plan or groundwater monitoring, have met all other deadlines under
15 this subsection, and have submitted annual progress reports that
16 demonstrate progress toward meeting closure requirements, a site
17 closure request must be submitted to [~~requests for all sites where~~]
18 the executive director [~~agreed in writing that no corrective action~~
19 ~~plan was required must be received by the agency~~] no later than
20 September 1, 2007 [~~2005~~]. The request must be complete, as judged
21 by the executive director.

22 SECTION 4.02. Section 26.355(b), Water Code, is amended to
23 read as follows:

24 (b) An owner or operator of an underground or aboveground
25 storage tank from which a regulated substance is released is liable
26 to the state unless:

27 (1) the release was caused by:

- 1 (A) [~~(1)~~] an act of God;
- 2 (B) [~~(2)~~] an act of war;
- 3 (C) [~~(3)~~] the negligence of the State of
4 Texas or the United States; or
- 5 (D) [~~(4)~~] an act or omission of a third
6 party; or
- 7 (2) the site at which the release occurred has been
8 admitted into the petroleum storage tank state-lead program under
9 Section 26.3573(r-1).

10 SECTION 4.03. Section 26.35731(b), Water Code, is amended
11 to read as follows:

12 (b) The commission has discretion whether to postpone
13 considering, processing, or paying [~~may not consider, process, or~~
14 ~~pay~~] a claim for reimbursement from the petroleum storage tank
15 remediation account for corrective action work begun without prior
16 commission approval after September 1, 1993, and filed with the
17 commission prior to January 1, 2005 [~~without prior commission~~
18 ~~approval until all claims for reimbursement for corrective action~~
19 ~~work preapproved by the commission have been considered, processed,~~
20 ~~and paid~~].

21 SECTION 4.04. Section 26.3573, Water Code, is amended by
22 amending Subsections (d), (r), and (s) and adding Subsection (r-1)
23 to read as follows:

24 (d) The commission may use the money in the petroleum
25 storage tank remediation account to pay:

26 (1) necessary expenses associated with the
27 administration of the petroleum storage tank remediation account

1 and the groundwater protection cleanup program[, ~~not to exceed an~~
2 ~~amount equal to: 11.8 percent of the gross receipts of that account~~
3 ~~for FY02/03, 16.40 percent of the gross receipts of that account for~~
4 ~~FY04/05, and 21.1 percent of the gross receipts of that account for~~
5 ~~FY06/07]~~;

6 (2) expenses associated with investigation, cleanup,
7 or corrective action measures performed in response to a release or
8 threatened release from a petroleum storage tank, whether those
9 expenses are incurred by the commission or pursuant to a contract
10 between a contractor and an eligible owner or operator as
11 authorized by this subchapter; and

12 (3) subject to the conditions of Subsection (e) [~~of~~
13 ~~this section~~], expenses associated with investigation, cleanup, or
14 corrective action measures performed in response to a release or
15 threatened release of hydraulic fluid or spent oil from hydraulic
16 lift systems or tanks located at a vehicle service and fueling
17 facility and used as part of the operations of that facility.

18 (r) Except as provided by Subsection (r-1), the [~~The~~
19 petroleum storage tank remediation account may not be used to
20 reimburse any person for corrective action performed after
21 September 1, 2005.

22 (r-1) In this subsection, "state-lead program" means the
23 petroleum storage tank state-lead program administered by the
24 commission. The executive director shall grant an extension for
25 corrective action reimbursement to a person who is an eligible
26 owner or operator under Section 26.3571. The petroleum storage
27 tank remediation account may be used to reimburse an eligible owner

1 or operator for corrective action performed under an extension
2 before August 31, 2007. Not later than July 1, 2007, an eligible
3 owner or operator who is granted an extension under this subsection
4 may apply to the commission in writing using a form provided by the
5 commission to have the site subject to corrective action placed in
6 the state-lead program. The eligible owner or operator must agree
7 in the application to allow site access to state personnel and state
8 contractors as a condition of placement in the state-lead program
9 under this subsection. On receiving the application for placement
10 in the state-lead program under this subsection, the executive
11 director by order shall place the site in the state-lead program
12 until the corrective action is completed to the satisfaction of the
13 commission. An eligible owner or operator of a site that is placed
14 in the state-lead program under this subsection is not liable to the
15 commission for any costs related to the corrective action.

16 (s) The petroleum storage tank remediation account may not
17 be used to reimburse any person for corrective action contained in a
18 reimbursement claim filed with the commission after March 1, 2008
19 [~~2006~~].

20 SECTION 4.05. Section 26.3574(b), Water Code, is amended to
21 read as follows:

22 (b) A fee is imposed on the delivery of a petroleum product
23 on withdrawal from bulk of that product as provided by this
24 subsection. Each operator of a bulk facility on withdrawal from
25 bulk of a petroleum product shall collect from the person who orders
26 the withdrawal a fee in an amount determined as follows:

27 (1) \$12.50 for each delivery into a cargo tank having a

1 capacity of less than 2,500 gallons for the state fiscal year
2 beginning September 1, 2001, and the state fiscal year beginning
3 September 1, 2002 [~~FY 02 and FY 03~~]; and \$10.00 for each delivery
4 into a cargo tank having a capacity of less than 2,500 gallons for
5 the state fiscal year beginning September 1, 2003, through the
6 state fiscal year ending August 31, 2007 [~~FY 04 and FY 05~~; ~~\$5.00 for~~
7 ~~each delivery into a cargo tank having a capacity of less than 2,500~~
8 ~~gallons for FY 06~~; ~~and \$2.00 for each delivery into a cargo tank~~
9 ~~having a capacity of less than 2,500 gallons for FY 07~~];

10 (2) \$25.00 for each delivery into a cargo tank having a
11 capacity of 2,500 gallons or more but less than 5,000 gallons for
12 the state fiscal year beginning September 1, 2001, and the state
13 fiscal year beginning September 1, 2002 [~~FY 02 and FY 03~~]; and
14 \$20.00 for each delivery into a cargo tank having a capacity of
15 2,500 gallons or more but less than 5,000 gallons for the state
16 fiscal year beginning September 1, 2003, through the state fiscal
17 year ending August 31, 2007 [~~FY 04 and FY 05~~; ~~\$10.00 for each~~
18 ~~delivery into a cargo tank having a capacity of 2,500 gallons or~~
19 ~~more but less than 5,000 gallons for FY 06~~; ~~and \$4.00 for each~~
20 ~~delivery into a cargo tank having a capacity of 2,500 gallons or~~
21 ~~more but less than 5,000 gallons for FY 07~~];

22 (3) \$37.50 for each delivery into a cargo tank having a
23 capacity of 5,000 gallons or more but less than 8,000 gallons for
24 the state fiscal year beginning September 1, 2001, and the state
25 fiscal year beginning September 1, 2002 [~~FY 02 and FY 03~~]; and
26 \$30.00 for each delivery into a cargo tank having a capacity of
27 5,000 gallons or more but less than 8,000 gallons for the state

1 fiscal year beginning September 1, 2003, through the state fiscal
2 year ending August 31, 2007 [~~FY 04 and FY 05, \$15.00 for each~~
3 ~~delivery into a cargo tank having a capacity of 5,000 gallons or~~
4 ~~more but less than 8,000 gallons for FY 06, and \$6.00 for each~~
5 ~~delivery into a cargo tank having a capacity of 5,000 gallons or~~
6 ~~more but less than 8,000 gallons for FY 07]~~;

7 (4) \$50.00 for each delivery into a cargo tank having a
8 capacity of 8,000 gallons or more but less than 10,000 gallons for
9 the state fiscal year beginning September 1, 2001, and the state
10 fiscal year beginning September 1, 2002 [~~FY 02 and FY 03]~~; and
11 \$40.00 for each delivery into a cargo tank having a capacity of
12 8,000 gallons or more but less than 10,000 gallons for the state
13 fiscal year beginning September 1, 2003, through the state fiscal
14 year ending August 31, 2007 [~~FY 04 and FY 05, \$20.00 for each~~
15 ~~delivery into a cargo tank having a capacity of 8,000 gallons or~~
16 ~~more but less than 10,000 gallons for FY 06, and \$8.00 for each~~
17 ~~delivery into a cargo tank having a capacity of 8,000 gallons or~~
18 ~~more but less than 10,000 gallons for FY 07]~~; and

19 (5) a \$25.00 fee for each increment of 5,000 gallons or
20 any part thereof delivered into a cargo tank having a capacity of
21 10,000 gallons or more for the state fiscal year beginning
22 September 1, 2001, and the state fiscal year beginning September 1,
23 2002 [~~FY 02 and FY 03]~~; and \$20.00 for each increment of 5,000
24 gallons or any part thereof delivered into a cargo tank having a
25 capacity of 10,000 gallons or more for the state fiscal year
26 beginning September 1, 2003, through the state fiscal year ending
27 August 31, 2007 [~~FY 04 and FY 05, \$10.00 for each increment of 5,000~~

1 ~~gallons or any part thereof delivered into a cargo tank having a~~
2 ~~capacity of 10,000 gallons or more for FY 06; and \$4.00 for each~~
3 ~~increment of 5,000 gallons or any part thereof delivered into a~~
4 ~~cargo tank having a capacity of 10,000 gallons or more for FY 07].~~

5 SECTION 4.06. Section 26.361, Water Code, is amended to
6 read as follows:

7 Sec. 26.361. EXPIRATION OF REIMBURSEMENT PROGRAM.
8 Notwithstanding any other provision of this subchapter, the
9 reimbursement program established under this subchapter expires
10 September 1, 2008 [~~2006~~]. On or after September 1, 2008 [~~2006~~], the
11 commission may not use money from the petroleum storage tank
12 remediation account to reimburse an eligible owner or operator for
13 any expenses of corrective action or to pay the claim of a person
14 who has contracted with an eligible owner or operator to perform
15 corrective action.

16 SECTION 4.07. This article takes effect September 1, 2005.

17 Explanation: The change is necessary to omit provisions
18 relating to extending the state reimbursement program for petroleum
19 storage tanks that are included in the conference committee report
20 for S.B. No. 1863.

21 (8) House Rule 13, Section 9(a)(2), is suspended to permit
22 the committee to omit the text of the title to Article 7 of the bill
23 as follows:

24 ARTICLE 7. DRUG PURCHASING FOR STATE AGENCIES

25 Explanation: The change is necessary to conform to the
26 deletion of the other provisions of Article 7 of the bill relating
27 to drug purchasing for state agencies, which was a matter of

1 disagreement between the houses. In addition, that article is
2 included in the conference committee report for S.B. No. 1863.

3 (9) House Rule 13, Section 9(a)(2), is suspended to permit
4 the committee to omit the text of Sections 531.080(a)-(d),
5 Government Code, as follows:

6 (a) Subject to Subsection (b), the commission and each
7 health and human services agency authorized by the executive
8 commissioner may enter into an agreement with one or more other
9 states for the joint bulk purchasing of prescription drugs and
10 other medications to be used in the Medicaid program, the state
11 child health plan, or another program under the authority of the
12 commission.

13 (b) An agreement under this section may not be entered into
14 until:

15 (1) the commission determines that entering into the
16 agreement would be feasible and cost-effective; and

17 (2) if appropriated money would be spent under the
18 proposed agreement, the governor and the Legislative Budget Board
19 grant prior approval to expend appropriated money under the
20 proposed agreement.

21 (c) If an agreement is entered into, the commission shall
22 adopt procedures applicable to an agreement and joint purchase
23 required by this section. The procedures must ensure that this
24 state receives:

25 (1) all prescription drugs and other medications
26 purchased with money provided by this state; and

27 (2) an equitable share of any price benefits resulting

1 from the joint bulk purchase.

2 (d) In determining the feasibility and cost-effectiveness
3 of entering into an agreement under this section, the commission
4 shall identify:

5 (1) the most cost-effective existing joint bulk
6 purchasing agreement; and

7 (2) any potential groups of states with which this
8 state could enter into a new cost-effective joint bulk purchasing
9 agreement.

10 Explanation: The change is necessary to conform to the
11 deletion of the other provisions of Article 7 of the bill relating
12 to drug purchasing for state agencies, which was a matter of
13 disagreement between the houses. In addition, that article is
14 included in the conference committee report for S.B. No. 1863.

15 (10) House Rule 13, Section 9(a)(2), is suspended to permit
16 the committee to omit the text of the transitional provisions
17 included in Sections 7.03 and 7.04 of the house engrossment and
18 Sections 7.02 and 7.03 of the senate committee report as follows:

19 SECTION 7.03. Not later than January 15, 2006, the Health
20 and Human Services Commission shall determine the feasibility and
21 cost-effectiveness of entering into an agreement under Section
22 531.080, Government Code, as added by this article. If the
23 commission determines that such action is feasible and
24 cost-effective, the commission shall take action to enter into an
25 agreement that takes effect March 1, 2006.

26 SECTION 7.04. If before implementing any provision of this
27 article a state agency determines that a waiver or authorization

1 from a federal agency is necessary for implementation of that
2 provision, the agency affected by the provision shall request the
3 waiver or authorization and may delay implementing that provision
4 until the waiver or authorization is granted.

5 Explanation: The change is necessary to conform to the
6 deletion of the other provisions of Article 7 of the bill relating
7 to drug purchasing for state agencies, which was a matter of
8 disagreement between the houses. In addition, that article is
9 included in the conference committee report for S.B. No. 1863.

10 (11) House Rule 13, Section 9(a)(2), is suspended to permit
11 the committee to omit the text of the title to Article 8 of the bill
12 as follows:

13 ARTICLE 8. QUALITY ASSURANCE FEES

14 Explanation: The change is necessary to conform to the
15 deletion of Article 8 of the bill relating to quality assurance
16 fees, which was a matter of disagreement between the houses. In
17 addition, that article is included in the conference committee
18 report for S.B. No. 1863.

19 (12) House Rule 13, Section 9(a)(2), is suspended to permit
20 the committee to omit text repealing Section 252.209, Health and
21 Safety Code, as added by Section 8.04 of the house engrossment and
22 by Section 8.01 of the senate committee report as follows:

23 SECTION 8.04. Section 252.209, Health and Safety Code, is
24 repealed.

25 Explanation: The change is necessary to conform to the
26 deletion of Article 8 of the bill relating to quality assurance
27 fees, which was a matter of disagreement between the houses. In

1 addition, that article is included in the conference committee
2 report for S.B. No. 1863.

3 (13) House Rule 13, Section 9(a)(2), is suspended to permit
4 the committee to omit the text of the title to Article 14 of the bill
5 as follows:

6 ARTICLE 14. INTEREST ON CERTAIN TAX REFUNDS

7 Explanation: The change is necessary to conform to the
8 deletion of the other provisions of Article 14 of the bill relating
9 to interest on certain tax refunds, which was a matter of
10 disagreement between the houses. In addition, that article is
11 included in the conference committee report for S.B. No. 1863.

12 (14) House Rule 13, Section 9(a)(2), is suspended to permit
13 the committee to omit the text of Sections 111.064(c-1) and (f), Tax
14 Code, relating to interest on certain tax refunds as follows:

15 (c-1) A refund, without regard to the date claimed, for a
16 report period due before January 1, 2000, does not accrue interest.

17 (f) A local revenue fund is not subject to Subsections
18 (a)-(c-1) [~~(a)-(c)~~]. In this subsection, "local revenue fund"
19 includes a court cost, a fee, a fine, or a similar charge collected
20 by a municipality, a county, or a court of this state and remitted
21 to the comptroller.

22 Explanation: The change is necessary to conform to the
23 deletion of the other provisions of Article 14 of the bill relating
24 to interest on certain tax refunds, which was a matter of
25 disagreement between the houses. In addition, that article is
26 included in the conference committee report for S.B. No. 1863.

27 (15) House Rule 13, Section 9(a)(2), is suspended to permit

1 the committee to omit the text of the effective date of Article 14
2 of the bill as follows:

3 SECTION 14.02. This article takes effect September 1, 2005.

4 Explanation: The change is necessary to conform to the
5 deletion of the other provisions of Article 14 of the bill relating
6 to interest on certain tax refunds, which was a matter of
7 disagreement between the houses. In addition, that article is
8 included in the conference committee report for S.B. No. 1863.

9 (16) House Rule 13, Section 9(a)(4), is suspended to permit
10 the conferees to add a new Article 5 to read as follows:

11 ARTICLE 5. EMERGENCY ROOM REDUCTION

12 SECTION 5.01. (a) Subchapter B, Chapter 531, Government
13 Code, is amended by adding Section 531.083 to read as follows:

14 Sec. 531.083. HOSPITAL EMERGENCY ROOM USE REDUCTION
15 INITIATIVES. The commission shall develop and implement a
16 comprehensive plan to reduce the use of hospital emergency room
17 services by recipients under the medical assistance program. The
18 plan may include:

19 (1) a pilot program designed to facilitate program
20 participants in accessing an appropriate level of health care,
21 which may include as components:

22 (A) providing program participants access to
23 bilingual health services providers; and

24 (B) giving program participants information on
25 how to access primary care physicians, advanced practice nurses,
26 and local health clinics;

27 (2) a pilot program under which health care providers,

1 other than hospitals, are given financial incentives for treating
2 recipients outside of normal business hours to divert those
3 recipients from hospital emergency rooms;

4 (3) payment of a nominal referral fee to hospital
5 emergency rooms that perform an initial medical evaluation of a
6 recipient and subsequently refer the recipient, if medically
7 stable, to an appropriate level of health care, such as care
8 provided by a primary care physician, advanced practice nurse, or
9 local clinic;

10 (4) a program under which the commission or a managed
11 care organization that enters into a contract with the commission
12 under Chapter 533 contacts, by telephone or mail, a recipient who
13 accesses a hospital emergency room three times during a six-month
14 period and provides the recipient with information on ways the
15 recipient may secure a medical home to avoid unnecessary treatment
16 at hospital emergency rooms;

17 (5) a health care literacy program under which the
18 commission develops partnerships with other state agencies and
19 private entities to:

20 (A) assist the commission in developing
21 materials that:

22 (i) contain basic health care information
23 for parents of young children who are recipients under the medical
24 assistance program and who are participating in public or private
25 child-care or prekindergarten programs, including federal Head
26 Start programs; and

27 (ii) are written in a language

1 understandable to those parents and specifically tailored to be
2 applicable to the needs of those parents;

3 (B) distribute the materials developed under
4 Paragraph (A) to those parents; and

5 (C) otherwise teach those parents about the
6 health care needs of their children and ways to address those needs;
7 and

8 (6) other initiatives developed and implemented in
9 other states that have shown success in reducing the incidence of
10 unnecessary treatment in hospital emergency rooms.

11 (b) The Health and Human Services Commission may develop the
12 health care literacy component of the comprehensive plan to reduce
13 the use of hospital emergency room services required by Section
14 531.083(5), Government Code, as added by this section, so that the
15 health care literacy component operates in a manner similar to the
16 manner in which the Johnson & Johnson/UCLA Health Care Institute
17 operates its health care training program that is designed to teach
18 parents to better address the health care needs of their children.

19 Explanation: The change is necessary to add provisions that
20 relate to the development and creation of hospital emergency room
21 use reduction initiatives.