

By: Gallegos

S.B. No. 358

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

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

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

13 (A) the total number of employees receiving  
14 public health care assistance;

15 (B) the total number of employees' dependent  
16 children or other dependents receiving public health care  
17 assistance;

18 (C) the total number of employees receiving  
19 charitable care or services at a hospital; and

20 (D) the total number of employees' dependent  
21 children or other dependents receiving charitable care or services  
22 at a hospital; and

23 (3) the commission's analysis of the fiscal impact on  
24 this state of providing public health care assistance to the  
25 persons described by Subdivisions (2)(A) and (B).

26 (c) The report may not include the name of a beneficiary of  
27 public health care assistance or charitable care or services

1 provided by a hospital or other information that is made  
2 confidential by law.

3 (d) The commission shall make the report available to the  
4 public on the commission's Internet website.

5 (e) The commission shall provide a copy of the report in  
6 written form to any person requesting the report.

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

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