

AN ACT

relating to establishing a demonstration project 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 Section 32.0248 to read as follows:

Sec. 32.0248. 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 appropriate preventive health and family planning services, including:

(1) medical history recording and evaluation;

(2) physical examinations;

(3) health screenings, including screening for:

(A) diabetes;

(B) cervical cancer;

(C) breast cancer;

(D) sexually transmitted diseases;

(E) hypertension;

(F) cholesterol; and

(G) tuberculosis;

(4) counseling and education on contraceptive methods

1 emphasizing the health benefits of abstinence from sexual activity
2 to recipients who are not married, except for counseling and
3 education regarding emergency contraception;

4 (5) provision of contraceptives, except for the
5 provision of emergency contraception;

6 (6) risk assessment; and

7 (7) referral of medical problems to appropriate
8 providers that are entities or organizations that do not perform or
9 promote elective abortions or contract or affiliate with entities
10 that perform or promote elective abortions.

11 (b) A woman is eligible to participate in the demonstration
12 project if the woman is at least 18 years of age and:

13 (1) has a net family income that is at or below 185
14 percent of the federal poverty level;

15 (2) participates in or receives benefits under any of
16 the following:

17 (A) the medical assistance program;

18 (B) the financial assistance program under
19 Chapter 31;

20 (C) the nutritional assistance program under
21 Chapter 33;

22 (D) the Supplemental Food Program for Women,
23 Infants and Children; or

24 (E) another program administered by the state
25 that:

26 (i) requires documentation of income; and

27 (ii) restricts eligibility to persons with

1 income equal to or less than the income eligibility guidelines
2 applicable to the medical assistance program;

3 (3) is presumed eligible for one of the programs
4 listed in Subdivision (2) pending completion of that program's
5 eligibility process; or

6 (4) is a member of a family that contains at least one
7 person who participates in or receives benefits under one of the
8 programs listed in Subdivision (2).

9 (c) The department shall ensure that the standards of care
10 provided to a woman participating in the demonstration project are
11 consistent with the requirements of law and current best practices
12 for provision of public health services.

13 (d) The department shall develop procedures for determining
14 and certifying eligibility for services under the demonstration
15 project at the point of service delivery using integrated
16 procedures that minimize duplication of effort by providers, the
17 department, and other state agencies. The department may not use a
18 procedure that would require a cost in excess of 10 percent of the
19 total costs of actual preventive health and family planning
20 services provided under the demonstration project. The eligibility
21 procedure may provide for expedited determination and
22 certification using a simplified form requiring only family income
23 and family size.

24 (e) The department shall compile a list of potential funding
25 sources a woman participating in the demonstration project may be
26 able to use to help pay for treatment for health problems:

27 (1) identified using services provided under the

1 demonstration project; and

2 (2) for which the woman is not eligible to receive
3 treatment under the medical assistance program or the demonstration
4 project.

5 (f) Providers of services under the demonstration project
6 shall comply with requests made by the department for information
7 necessary for the department to:

8 (1) make efficient use of money spent for the
9 operation and administration of the demonstration project;

10 (2) report and provide information required by federal
11 law; and

12 (3) compile the report required by Subsection (g).

13 (g) Not later than December 1 of each even-numbered year,
14 the department shall submit a report to the legislature regarding
15 the department's progress in establishing and operating the
16 demonstration project.

17 (h) The department shall ensure the money spent under the
18 demonstration project, regardless of the funding source, is not
19 used to perform or promote elective abortions. The department, for
20 the purpose of the demonstration project, may not contract with
21 entities that perform or promote elective abortions or are
22 affiliates of entities that perform or promote elective abortions.

23 (i) This section expires September 1, 2011.

24 SECTION 2. If before implementing any provision of this Act
25 a state agency determines that a waiver or authorization from a
26 federal agency is necessary for implementation of that provision,
27 the agency affected by the provision shall request the waiver or

1 authorization and may delay implementing that provision until the
2 waiver or authorization is granted.

3 SECTION 3. Not later than September 1, 2006, the state
4 agency responsible for implementing the demonstration project
5 required by Section 32.0248, Human Resources Code, as added by this
6 Act, shall implement the demonstration project.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2005.

S.B. No. 747

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 747 passed the Senate on April 7, 2005, by the following vote: Yeas 24, Nays 2; and that the Senate concurred in House amendment on May 27, 2005, by the following vote: Yeas 29, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 747 passed the House, with amendment, on May 25, 2005, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor