

By: Leibowitz

H.B. No. 338

A BILL TO BE ENTITLED

AN ACT

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

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 health care or services" means all health 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) "Health benefit plan" means a group, blanket, or franchise insurance policy, a certificate issued under a group policy, a group hospital service contract, or a group subscriber contract or evidence of coverage issued by a health maintenance organization that provides benefits for health care services. The term does not include:

(A) accident-only or disability income insurance coverage or a combination of accident-only and disability income insurance coverage;

1 (B) credit-only insurance coverage;

2 (C) disability insurance coverage;

3 (D) coverage for a specified disease or illness;

4 (E) Medicare services under a federal contract;

5 (F) Medicare supplement and Medicare Select
6 benefit plans regulated in accordance with federal law;

7 (G) long-term care coverage or benefits, nursing
8 home care coverage or benefits, home health care coverage or
9 benefits, community-based care coverage or benefits, or any
10 combination of those coverages or benefits;

11 (H) coverage that provides limited-scope dental
12 or vision benefits;

13 (I) coverage provided by a single service health
14 maintenance organization;

15 (J) workers' compensation insurance coverage or
16 similar insurance coverage;

17 (K) hospital indemnity or other fixed indemnity
18 insurance coverage;

19 (L) reinsurance contracts issued on a stop-loss,
20 quota-share, or similar basis;

21 (M) short-term major medical contracts;

22 (N) liability insurance coverage, including
23 general liability insurance coverage and automobile liability
24 insurance coverage, and coverage issued as a supplement to
25 liability insurance coverage, including automobile medical payment
26 insurance coverage;

27 (O) coverage for on-site medical clinics;

1 (P) coverage that provides other limited
2 benefits specified by federal regulations; or

3 (Q) other coverage that:

4 (i) is similar to the coverage described by
5 this subdivision under which benefits for medical care are
6 secondary or incidental to other coverage benefits; and

7 (ii) is specified by federal regulations.

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

10 (4) "Large employer" means a person engaged in an
11 industry affecting commerce who has 1,000 or more employees for
12 each working day in each of 20 or more calendar weeks in the current
13 or preceding calendar year. The term includes this state or a
14 political subdivision of this state.

15 (5) "Proposed beneficiary of charitable health care or
16 services" means the person on whose behalf charitable health care
17 or services are requested, including the person making the request
18 or a spouse, dependent child, or other dependent of the person
19 making the request.

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

24 (7) "Public health care assistance" means:

25 (A) medical assistance under Chapter 32, Human
26 Resources Code;

27 (B) health benefits coverage under Chapter 62 or

1 63, Health and Safety Code;

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

4 (D) medical assistance or benefits provided by a
5 public health care program not described in this subdivision that
6 is administered by the commission or a health and human services
7 agency.

8 Sec. 531.452. APPLICATION FOR PUBLIC HEALTH CARE
9 ASSISTANCE; EMPLOYMENT INFORMATION. (a) The executive
10 commissioner by rule shall require a person applying for public
11 health care assistance to identify the employer or employers of the
12 proposed beneficiary of the assistance.

13 (b) If the proposed beneficiary of the public health care
14 assistance is not employed, the applicant shall identify the
15 employer or employers of a person who is legally liable for the
16 proposed beneficiary's support, including the employer of the
17 proposed beneficiary's spouse, if any.

18 Sec. 531.453. REQUEST FOR CERTAIN CHARITABLE HEALTH CARE OR
19 SERVICES; EMPLOYMENT INFORMATION. (a) Each hospital shall require
20 a person requesting charitable health care or services from the
21 hospital to identify the employer or employers of the proposed
22 beneficiary of the care or services.

23 (b) If the proposed beneficiary of charitable health care or
24 services provided by the hospital is not employed, the applicant
25 shall identify the employer or employers of a person who is legally
26 liable for the proposed beneficiary's support, including the
27 employer of the proposed beneficiary's spouse, if any.

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

5 Sec. 531.454. LARGE EMPLOYER INFORMATION REGARDING HEALTH
6 BENEFIT PLAN COVERAGE FOR EMPLOYEES. (a) For purposes of reporting
7 under Section 531.457, the commission shall develop and maintain a
8 program to collect information regarding which large employers
9 provide health benefit plan coverage to their employees and which
10 large employers do not.

11 (b) The commission may obtain information from large
12 employers and health benefit plan issuers as necessary to implement
13 this section.

14 Sec. 531.455. RULEMAKING AUTHORITY. The executive
15 commissioner shall adopt rules as necessary to implement this
16 subchapter, including rules relating to:

17 (1) any required reporting by employers or health
18 benefit plan issuers; and

19 (2) reporting time frames and procedures.

20 Sec. 531.456. COOPERATION OF TEXAS WORKFORCE COMMISSION AND
21 TEXAS DEPARTMENT OF INSURANCE. (a) On request of the commission,
22 the Texas Workforce Commission shall provide to the commission
23 information regarding employers that is appropriate to the
24 implementation of this subchapter.

25 (b) On request of the commission, the commissioner of
26 insurance shall provide to the commission information that is
27 appropriate to the implementation of Section 531.454.

1 Sec. 531.457. ANNUAL REPORT. (a) In this section:

2 (1) "Beneficiary of charitable health care or services
3 provided by a hospital" means a person who received charitable
4 health care or services at a hospital or who has a spouse, dependent
5 child, or other dependent who received that care or those services.

6 (2) "Beneficiary of public health care assistance"
7 means a person who is receiving public health care assistance or who
8 has a spouse, dependent child, or other dependent who is receiving
9 that assistance.

10 (b) Not later than February 1 of each year, the commission,
11 after compiling and analyzing the information received under this
12 subchapter, shall prepare and submit to the governor, lieutenant
13 governor, speaker of the house of representatives, and presiding
14 officer of the standing committee in each house of the legislature
15 with primary jurisdiction over the commission a written report
16 regarding employers identified under Sections 531.452 and 531.453
17 during the immediately preceding calendar year. The report must
18 include:

19 (1) the name and business address of each large
20 employer in this state that employs 50 or more persons in a calendar
21 year who are beneficiaries of public health care assistance or
22 charitable health care or services provided by a hospital;

23 (2) for each large employer described by Subdivision
24 (1):

25 (A) the total number of employees receiving
26 public health care assistance;

27 (B) the total number of employees' spouses,

1 dependent children, or other dependents receiving public health
2 care assistance;

3 (C) the total number of employees receiving
4 charitable health care or services at a hospital;

5 (D) the total number of employees' spouses,
6 dependent children, or other dependents receiving charitable
7 health care or services at a hospital; and

8 (E) whether the employer offers health benefit
9 plan coverage to its employees; and

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

13 (c) The report may not include the name of a beneficiary of
14 public health care assistance or charitable health care or services
15 provided by a hospital or other information that is made
16 confidential by law.

17 (d) The commission shall also make the report available to
18 the public on the commission's Internet website.

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

21 SECTION 2. (a) The executive commissioner of the Health
22 and Human Services Commission shall adopt any rules necessary to
23 implement Subchapter M, Chapter 531, Government Code, as added by
24 this Act, not later than January 1, 2008. Each person applying for
25 public health care assistance and each hospital shall comply with
26 the requirements imposed by Sections 531.452 and 531.453,
27 Government Code, as added by this Act, beginning not later than the

1 date specified by rules adopted by the executive commissioner or
2 January 1, 2008, whichever is earlier.

3 (b) The Health and Human Services Commission shall submit
4 the initial report required by Section 531.457(b), Government Code,
5 as added by this Act, not later than February 1, 2009.

6 SECTION 3. This Act takes effect September 1, 2007.