

By: Burnam

H.B. No. 816

A BILL TO BE ENTITLED

AN ACT

relating to the waiting period for benefits for certain applicants for the child health plan program.

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

SECTION 1. Sections 62.154(a) and (d), Health and Safety Code, are amended to read as follows:

(a) To the extent permitted under Title XXI of the Social Security Act (42 U.S.C. Section 1397aa et seq.), as amended, and any other applicable law or regulations, the child health plan must include a waiting period and ~~and~~ ~~the child health plan~~ may include copayments and other provisions intended to discourage:

(1) employers and other persons from electing to discontinue offering coverage for children under employee or other group health benefit plans; and

(2) individuals with access to adequate health benefit plan coverage, other than coverage under the child health plan, from electing not to obtain or to discontinue that coverage for a child.

(d) The waiting period required by Subsection (a) must:

(1) extend for a period of 90 days after ~~the~~ the ~~last date on~~ ~~the first day of the month in~~ which the applicant was covered under a health benefits plan; and

(2) apply only to a child who was covered by a health benefits plan at any time during the 90 days before the date of

1 application for coverage under the child health plan [~~is enrolled~~
2 ~~under the child health plan, if the date of enrollment is on or~~
3 ~~before the 15th day of the month, or~~

4 [~~(2) the first day of the month after which the~~
5 ~~applicant is enrolled under the child health plan, if the date of~~
6 ~~enrollment is after the 15th day of the month].~~

7 SECTION 2. 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, 2007.