

By: Olivo

H.B. No. 852

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to eligibility for and the administration of the child  
3 health plan program.

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

5 SECTION 1. Section 62.002(4), Health and Safety Code, is  
6 amended to read as follows:

7 (4) "Net [~~Gross~~] family income" means the [~~total~~]  
8 amount of income established for a family after reduction for  
9 offsets for expenses such as child care and work-related expenses,  
10 in accordance with standards applicable under the Medicaid [~~without~~  
11 ~~consideration of any reduction for offsets that may be available to~~  
12 ~~the family under any other~~] program.

13 SECTION 2. Section 62.101(b), Health and Safety Code, is  
14 amended to read as follows:

15 (b) The commission shall establish income eligibility  
16 levels consistent with Title XXI, Social Security Act (42 U.S.C.  
17 Section 1397aa et seq.), as amended, and any other applicable law or  
18 regulations, and subject to the availability of appropriated money,  
19 so that a child who is younger than 19 years of age and whose net  
20 [~~gross~~] family income is at or below 200 percent of the federal  
21 poverty level is eligible for health benefits coverage under the  
22 program. [~~In addition, the commission may establish eligibility~~  
23 ~~standards regarding the amount and types of allowable assets for a~~  
24 ~~family whose gross family income is above 150 percent of the federal~~

1 ~~poverty level.]~~

2 SECTION 3. Section 62.102, Health and Safety Code, is  
3 amended to read as follows:

4 Sec. 62.102. CONTINUOUS COVERAGE. The commission shall  
5 provide that an individual who is determined to be eligible for  
6 coverage under the child health plan remains eligible for those  
7 benefits until the earlier of:

8 (1) the end of a period, not to exceed 12 months, [~~the~~  
9 ~~six-month period~~] following the date of the eligibility  
10 determination; or

11 (2) the individual's 19th birthday.

12 SECTION 4. Sections 62.154(a) and (d), Health and Safety  
13 Code, are amended to read as follows:

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

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

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

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

27 (1) extend for a period of 90 days after [~~+~~

1           ~~[(1)]~~ the last date on ~~[first day of the month in]~~  
2 which the applicant was covered under a health benefits plan; and

3           (2) apply to a child who was covered by a health  
4 benefits plan at any time during the 90 days before the date of  
5 application for coverage under the child health plan ~~[is enrolled~~  
6 ~~under the child health plan, if the date of enrollment is on or~~  
7 ~~before the 15th day of the month; or~~

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

11           SECTION 5. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2007.