

By: Eiland

H.B. No. 1153

A BILL TO BE ENTITLED

AN ACT

relating to indigent health care.

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

SECTION 1. Section 61.002(8), Health and Safety Code, is amended to read as follows:

(8) "Mandated provider" means a person who provides health care services, is selected by a county, public hospital, or hospital district, and agrees to provide health care services to eligible residents, including the primary teaching hospital of a state medical school located in a county which does not have a public hospital or hospital district, and the faculty members practicing in both the inpatient and outpatient care facilities affiliated with the teaching hospital. The term includes a teaching hospital that provides specialty health care services to eligible residents under Subchapter D.

SECTION 2. Subchapter A, Chapter 61, Health and Safety Code, is amended by adding Section 61.013 to read as follows:

Sec. 61.013. COMPTROLLER DUTY. (a) As soon as practicable after receiving notification under Section 61.0355(f), the comptroller shall pay a provider of health care services any amount owed to the provider by a county as determined under Section 61.0355 from any tax revenue that is not deposited to a trust fund and is allocated to that county by state law.

(b) The comptroller shall adopt rules and procedures as

1 necessary to implement this section.

2 SECTION 3. Subchapter B, Chapter 61, Health and Safety  
3 Code, is amended by adding Section 61.0355 to read as follows:

4 Sec. 61.0355. DISPUTE CONCERNING COUNTY LIABILITY OR  
5 FAILURE TO PAY. (a) A county or a provider of health care  
6 services, including a teaching hospital, may file with the  
7 department a written request for a hearing concerning:

8 (1) a dispute between the county and the provider  
9 regarding the county's liability under this chapter to pay for  
10 health care services provided by the provider to an indigent person  
11 and the amount, if any, of the county's liability; or

12 (2) the county's failure to timely pay an amount the  
13 county owes to the provider under this chapter.

14 (b) The provider of health care services and the county  
15 shall submit all information relevant to a matter described by  
16 Subsection (a) to the department in accordance with department  
17 rules.

18 (c) As soon as practicable following receipt of the  
19 information required under Subsection (b), the department shall  
20 conduct a hearing on the matter. The hearing shall be conducted as  
21 a contested case under Chapter 2001, Government Code.

22 (d) Not later than the 30th day after the date of the  
23 hearing, the department shall:

24 (1) determine whether the county:  
25 (A) is liable under this chapter for the cost of  
26 the health care services provided and the amount of liability, if  
27 any; or

1                   (B) has failed to timely pay an amount the county  
2 owes to the provider under this chapter; and

3                   (2) notify the county and the provider of health care  
4 services in writing of a determination made under Subdivision (1)  
5 and the reasons for the determination.

6                   (e) A county or provider of health care services may appeal  
7 the department's final order under Chapter 2001, Government Code,  
8 using the substantial evidence rule on appeal.

9                   (f) Not later than the 30th day after the date an order of  
10 the department finding a county liable under this section becomes  
11 final, including any modification of the order following a judicial  
12 determination of the matter, the department shall notify the  
13 comptroller in writing of the liability. The notice must include:

14                   (1) the names of the provider of health care services  
15 and county; and

16                   (2) the amount the county owes the provider.

17                   SECTION 4. Chapter 61, Health and Safety Code, is amended by  
18 adding Subchapter D to read as follows:

19                   SUBCHAPTER D. SPECIALTY HEALTH CARE SERVICES

20                   Sec. 61.101. DEFINITIONS. In this subchapter:

21                   (1) "Specialty health care service" means a basic  
22 health care service a county is required to provide under Section  
23 61.028 that requires specialized medical skill and is significantly  
24 more expensive than other basic health care services.

25                   (2) "Teaching hospital" means a teaching hospital  
26 affiliated with a medical school that is described as a medical and  
27 dental unit under Section 61.003, Education Code.

1       Sec. 61.102. SPECIALTY HEALTH CARE SERVICES; MANDATED  
2 PROVIDER. A county, hospital district, or public hospital may:

3           (1) select as a mandated provider of a specialty  
4 health care service one or more teaching hospitals that agree to  
5 provide the service to eligible residents of the service area of the  
6 county, hospital district, or public hospital; and

7           (2) require an eligible resident in its service area  
8 who requires the specialty health care service to obtain the  
9 service from that mandated provider.

10       Sec. 61.103. STANDARDS AND PROCEDURES. The executive  
11 commissioner of the Health and Human Services Commission by rule  
12 shall:

13           (1) prescribe the basic health care services that  
14 constitute specialty health care services;

15           (2) establish the claim and verification procedures  
16 necessary to enable a teaching hospital to submit claims for  
17 reimbursement under this subchapter for the provision of specialty  
18 health care services; and

19           (3) establish payment standards for the categories of  
20 specialty health care services in accordance with rules relating to  
21 the Temporary Assistance for Needy Families-Medicaid program.

22       Sec. 61.104. LIABILITY FOR SERVICES. (a) To the extent  
23 funds are appropriated to the department for this purpose, the  
24 department, on submission of a claim, shall reimburse a teaching  
25 hospital for 50 percent of the cost for the specialty health care  
26 service provided by the teaching hospital under this subchapter to  
27 an eligible resident of the service area of a county, hospital

1 district, or public hospital.

2 (b) Subject to the applicable payment limitations provided  
3 in Sections 61.035 and 61.061 and to other applicable limitations  
4 on liability provided in this chapter, the applicable county,  
5 hospital district, or public hospital is liable for the remainder  
6 of the cost of providing the specialty health care service to the  
7 eligible resident in its service area.

8 (c) To be reimbursable under this section, the cost of a  
9 specialty health care service may not exceed the amount allowable  
10 for the service under the payment standards established under  
11 Section 61.103.

12 Sec. 61.105. INDIGENT SPECIALTY HEALTH CARE SERVICES  
13 ACCOUNT. The indigent specialty health care services account is an  
14 account in the general revenue fund. Money in the account may be  
15 appropriated to the department only to provide funding for purposes  
16 consistent with this subchapter.

17 Sec. 61.106. SERVICES ELIGIBLE FOR STATE ASSISTANCE CREDIT.  
18 Subject to the requirements prescribed by Subchapter B, a county  
19 may credit toward eligibility for state assistance under Subchapter  
20 B an expenditure the county incurs under this subchapter to assist  
21 an eligible county resident.

22 SECTION 5. (a) Not later than January 1, 2008, the  
23 comptroller shall adopt the rules and procedures necessary to  
24 implement Section 61.013, Health and Safety Code, as added by this  
25 Act.

26 (b) Not later than January 1, 2008, the executive  
27 commissioner of the Health and Human Services Commission shall:

1           (1) in consultation with the Department of State  
2 Health Services adopt the rules and procedures necessary to  
3 implement Section 61.0355, Health and Safety Code, as added by this  
4 Act; and

5           (2) adopt the rules and procedures necessary to  
6 implement Subchapter D, Chapter 61, Health and Safety Code, as  
7 added by this Act.

8           SECTION 6. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2007.