

By: Davis of Harris

H.B. No. 2049

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to eligibility for and information regarding 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 child care expenses, in accordance with standards  
10 applicable under the Medicaid [~~without consideration of any~~  
11 ~~reduction for offsets that may be available to the family under any~~  
12 ~~other~~] program.

13 SECTION 2. Subchapter B, Chapter 62, Health and Safety  
14 Code, is amended by adding Section 62.060 to read as follows:

15 Sec. 62.060. NOTIFICATION TO FAMILIES OF SCHOOL-AGE  
16 CHILDREN. (a) The executive commissioner of the Health and Human  
17 Services Commission by rule shall develop a program to annually  
18 distribute information regarding the child health plan program to  
19 each child enrolled in a public or private primary or secondary  
20 school in the state.

21 (b) The program must require the school to distribute to  
22 each child enrolled in the school:

23 (1) information regarding the child health plan  
24 program, including the eligibility requirements for the program;

1 and

2 (2) a form to be returned to the school that requires  
3 the child's parent or guardian to:

4 (A) acknowledge that the parent or guardian is  
5 aware of the child health plan program; and

6 (B) request or decline additional information  
7 about the program.

8 (c) The program must require each school to remit the  
9 completed forms to the commission. The commission shall provide to  
10 each person who requests the information on the form submitted to  
11 the school additional information about the child health plan  
12 program.

13 SECTION 3. Section 62.101, Health and Safety Code, is  
14 amended by amending Subsection (b) and adding Subsection (b-1) to  
15 read as follows:

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

27 (b-1) In adopting standards under Subsection (b), the

1 commission shall reduce the maximum value used to determine whether  
2 an exemption is applicable to a vehicle or whether a vehicle has  
3 excess value to not more than:

4 (1) 80 percent of the maximum value used on January 1,  
5 2007, for determining:

6 (A) whether a vehicle that otherwise qualifies  
7 for an exemption based on its usage is exempt; and

8 (B) whether the highest valued vehicle that does  
9 not qualify for an exemption based on usage has excess vehicle  
10 value; and

11 (2) 50 percent of the maximum value used on January 1,  
12 2007, to determine whether any additional vehicle that does not  
13 qualify for an exemption based on usage has excess vehicle value.

14 SECTION 4. Section 62.102, Health and Safety Code, is  
15 amended to read as follows:

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

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

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

24 SECTION 5. Sections 62.154(a) and (d), Health and Safety  
25 Code, are amended to read as follows:

26 (a) To the extent permitted under Title XXI of the Social  
27 Security Act (42 U.S.C. Section 1397aa et seq.), as amended, and any

1 other applicable law or regulations, the child health plan must  
2 include a waiting period and ~~[. The child health plan]~~ may include  
3 copayments and other provisions intended to discourage:

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

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

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

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

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

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

23 SECTION 6. As soon as practicable after the effective date  
24 of this Act, the executive commissioner of the Health and Human  
25 Services Commission shall adopt rules to implement Section 62.060,  
26 Health and Safety Code, as added by this Act.

27 SECTION 7. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2007.