

By: Isett

H.B. No. 2539

A BILL TO BE ENTITLED

AN ACT

relating to a medical assistance opt-out program.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.04221 to read as follows:

Sec. 32.04221. MEDICAL ASSISTANCE OPT-OUT PROGRAM. (a) In this section:

(1) "Commission" means the Health and Human Services Commission.

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(3) "Group health benefit plan" means a plan described by Section 1207.001, Insurance Code.

(b) The commission shall seek a waiver from an appropriate federal agency under which a person who is eligible for or is a recipient of medical assistance may choose to opt out of receiving services under the medical assistance program and instead enroll in a group health benefit plan offered by an employer.

(c) Consistent with the terms of the waiver, for a participant in the opt-out program who enrolls in a group health benefit plan offered by an employer, the commission shall provide for payment of the employee's share of the required premiums, except that if the employee's share of the required premiums exceeds the Medicaid premium rate for the participant, as

1 determined by the executive commissioner, the participant shall pay  
2 the difference between the required premiums and the Medicaid  
3 premium rate. In addition, the participant shall pay all  
4 deductibles, copayments, coinsurance, and other cost-sharing  
5 obligations imposed on the participant under the group health  
6 benefit plan.

7 (d) The commission shall ensure that participation by a  
8 person in the opt-out program is on a voluntary basis, and the  
9 commission may not require any person to opt out of receiving  
10 medical assistance services.

11 (e) A participant in the opt-out program is limited to the  
12 health benefits coverage provided under the health benefits plan in  
13 which the participant enrolls. The participant may not receive any  
14 benefits or services under the medical assistance program other  
15 than the premium payment as provided by Subsection (c).

16 (f) The commission shall implement an outreach campaign to  
17 educate applicants for and recipients of medical assistance  
18 regarding the opt-out program.

19 SECTION 2. If before implementing any provision of this Act  
20 a state agency determines that a waiver or authorization from a  
21 federal agency is necessary for implementation of that provision,  
22 the agency affected by the provision shall request the waiver or  
23 authorization and may delay implementing that provision until the  
24 waiver or authorization is granted.

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