

By: Garcia

H.B. No. 3538

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. Subchapter B, Chapter 62, Health and Safety
14 Code, is amended by adding Section 62.056 to read as follows:

15 Sec. 62.056. COMMUNITY OUTREACH CAMPAIGN; TOLL-FREE
16 HOTLINE. (a) The commission shall conduct a community outreach
17 and education campaign to provide information relating to the
18 availability of health benefits for children under this chapter.
19 The commission shall conduct the campaign in a manner that promotes
20 enrollment in, and minimizes duplication of effort among, all
21 state-administered child health programs.

22 (b) The community outreach campaign must include:

23 (1) outreach efforts that involve school-based health
24 clinics; and

1 (2) a toll-free telephone number through which
2 families may obtain information about health benefits coverage for
3 children.

4 (c) The commission shall contract with community-based
5 organizations or coalitions of community-based organizations to
6 implement the community outreach campaign and shall also promote
7 and encourage voluntary efforts to implement the community outreach
8 campaign. The commission shall procure the contracts through a
9 process designed by the commission to encourage broad participation
10 of organizations, including organizations that target population
11 groups with high levels of uninsured children.

12 (d) The commission may direct that the Department of State
13 Health Services perform all or part of the community outreach
14 campaign.

15 SECTION 3. Section 62.101(b), Health and Safety Code, is
16 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

26 (1) extend for a period of 90 days after [+]

27 [~~(1)~~] the last date on [~~first day of the month in~~]

1 which the applicant was covered under a health benefits plan; and

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

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

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