

By: Deuell

S.B. No. 551

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, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivision (4-a) to read as follows:

(1) "Department" means the ~~[Texas]~~ Department of State Health Services.

(4-a) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

SECTION 2. Subsection (f), Section 61.003, Health and Safety Code, is amended to read as follows:

(f) For purposes of this chapter, a person who is an inmate or resident of a state school or institution operated by the department, the Texas Department of Criminal Justice ~~[Corrections]~~, the ~~[Texas]~~ Department of Aging and Disability Services ~~[Mental Health and Mental Retardation]~~, the Texas Youth Commission, the Texas School for the Blind and Visually Impaired, the Texas School for the Deaf, or any other state agency or who is an inmate, patient, or resident of a school or institution operated by a federal agency is not considered a resident of a hospital district or of any governmental entity except the state or federal government.

SECTION 3. The heading to Section 61.004, Health and Safety

1 Code, is amended to read as follows:

2 Sec. 61.004. [~~RESIDENCE OR~~] ELIGIBILITY DISPUTE.

3 SECTION 4. Subsections (a) and (d), Section 61.004, Health
4 and Safety Code, are amended to read as follows:

5 (a) If a provider of assistance and a governmental entity or
6 hospital district cannot agree on [~~a person's residence or~~] whether
7 a person is eligible for assistance under this chapter, the
8 provider or the governmental entity or hospital district may submit
9 the matter to the department.

10 (d) From the information submitted, the department shall
11 determine [~~the person's residence or~~] whether the person is
12 eligible for assistance under this chapter [~~, as appropriate,~~] and
13 shall notify each governmental entity or hospital district and the
14 provider of assistance of the decision and the reasons for the
15 decision.

16 SECTION 5. Subsection (b), Section 61.0045, Health and
17 Safety Code, is amended to read as follows:

18 (b) A county, hospital district, or public hospital that
19 receives information obtained under Subsection (a) shall use the
20 information to determine whether the patient to whom services were
21 provided is an eligible resident of the service area of the county,
22 hospital district, or public hospital and, if so, shall pay the
23 claim made by the provider in accordance with its liability for
24 payment for the services as described by Section 61.033 or 61.060
25 [~~this chapter~~].

26 SECTION 6. Subsection (c), Section 61.006, Health and
27 Safety Code, is amended to read as follows:

1 (c) The department shall also define the services and
2 establish the payment standards for the categories of services
3 listed in Sections 61.028(a) and 61.0285 in accordance with Health
4 and Human Services Commission [~~Texas Department of Human Services~~]
5 rules relating to the Temporary Assistance for Needy
6 Families-Medicaid program.

7 SECTION 7. Section 61.007, Health and Safety Code, is
8 amended to read as follows:

9 Sec. 61.007. INFORMATION PROVIDED BY APPLICANT. The
10 department by rule shall require each applicant to provide at least
11 the following information:

12 (1) the applicant's full name and address;

13 (2) the applicant's social security number, if
14 available;

15 (3) the number of persons in the applicant's
16 household, excluding persons receiving Temporary Assistance for
17 Needy Families, Supplemental Security Income, or Medicaid
18 benefits;

19 (4) the applicant's county of residence;

20 (5) the existence of insurance coverage or other
21 hospital or health care benefits for which the applicant is
22 eligible;

23 (6) any transfer of title to real property by [~~that~~]
24 the applicant [~~has made in the preceding 24 months~~];

25 (7) the applicant's annual household income, excluding
26 the income of any household member receiving Temporary Assistance
27 for Needy Families, Supplemental Security Income, or Medicaid

1 benefits; and

2 (8) the value [~~amount~~] of the applicant's liquid
3 resources, vehicles, [~~assets and the equity value of the~~
4 ~~applicant's car~~] and real property.

5 SECTION 8. Subsection (a), Section 61.008, Health and
6 Safety Code, is amended to read as follows:

7 (a) The executive commissioner [~~department~~] by rule shall
8 provide that in determining eligibility:

9 (1) a county may not consider the value of the
10 applicant's homestead;

11 (2) a county must consider the [~~equity~~] value of a
12 vehicle [~~car~~] that is in excess of the amount exempted under
13 department guidelines as a resource;

14 (3) a county must subtract the work-related and
15 dependent [~~child~~] care expense [~~allowance~~] allowed under
16 department guidelines;

17 (4) a county must consider as a resource real property
18 other than a homestead and, except as provided by Subsection (b),
19 must count that property in determining eligibility; and

20 (5) transferral of countable resources may not be more
21 restrictive than the resource requirements for the Temporary
22 Assistance for Needy Families-Medicaid program [~~if an applicant~~
23 ~~transferred title to real property for less than market value to~~
24 ~~become eligible for assistance under this chapter, the county may~~
25 ~~not credit toward eligibility for state assistance an expenditure~~
26 ~~for that applicant made during a two-year period beginning on the~~
27 ~~date on which the property is transferred)].~~

1 SECTION 9. Section 61.009, Health and Safety Code, is
2 amended by amending Subsection (a) and adding Subsection (c) to
3 read as follows:

4 (a) The department shall establish uniform reporting
5 requirements for governmental entities that own, operate, or lease
6 public hospitals providing assistance under this chapter and for
7 counties and hospital districts.

8 (c) The reports must be sent to the department at least
9 annually.

10 SECTION 10. Subsection (b), Section 61.025, Health and
11 Safety Code, is amended to read as follows:

12 (b) The transfer agreement may transfer partial
13 responsibility to the county under which the municipal hospital
14 continues to provide health care services to eligible residents of
15 the municipality, but the county agrees to assume the hospital's
16 responsibility to reimburse other providers who provide:

17 (1) basic [~~mandatory~~] inpatient or outpatient
18 services to eligible residents that the municipal hospital cannot
19 provide; or

20 (2) emergency services to eligible residents.

21 SECTION 11. Subsections (a) and (b), Section 61.0285,
22 Health and Safety Code, are amended to read as follows:

23 (a) In addition to basic health care services provided under
24 Section 61.028, a county may, in accordance with [~~department~~]
25 adopted by the executive commissioner under Section 61.006, provide
26 other medically necessary services or supplies that the county
27 determines to be cost-effective, including:

- 1 (1) freestanding ambulatory surgical center services;
- 2 (2) diabetic and colostomy medical supplies and
- 3 equipment;
- 4 (3) durable medical equipment;
- 5 (4) home and community health care services;
- 6 (5) social work services;
- 7 (6) psychological counseling services;
- 8 (7) services provided by physician assistants, nurse
- 9 practitioners, certified nurse midwives, clinical nurse
- 10 specialists, and certified registered nurse anesthetists;
- 11 (8) dental care;
- 12 (9) vision care, including eyeglasses;
- 13 (10) services provided by federally qualified health
- 14 centers, as defined by 42 U.S.C. Section 1396d(1)(2)(B);
- 15 (11) emergency medical services; and
- 16 (12) any other appropriate health care service
- 17 identified by [~~board~~] rule that may be determined to be
- 18 cost-effective.

19 (b) A county must notify the department of the county's
20 intent to provide services specified by Subsection (a). The [~~If the~~
21 ~~services are approved by the department under Section 61.006, or if~~
22 ~~the department fails to notify the county of the department's~~
23 ~~disapproval before the 31st day after the date the county notifies~~
24 ~~the department of its intent to provide the services, the]~~ county
25 may credit the services toward eligibility for state assistance
26 under this subchapter.

27 SECTION 12. Subsection (e), Section 61.032, Health and

1 Safety Code, is amended to read as follows:

2 (e) If the county and the provider disagree on the patient's
3 [~~residence or~~] eligibility, the county or the provider may submit
4 the matter to the department as provided by Section 61.004.

5 SECTION 13. Subsection (a), Section 61.042, Health and
6 Safety Code, is amended to read as follows:

7 (a) A county may establish procedures consistent with those
8 used by the Health and Human Services Commission [~~Texas Department~~
9 ~~of Human Services~~] under Chapter 31, Human Resources Code, for
10 administering an employment services program and requiring an
11 applicant or eligible resident to register for work with the Texas
12 Workforce [~~Employment~~] Commission.

13 SECTION 14. Section 61.066, Health and Safety Code, is
14 amended to read as follows:

15 Sec. 61.066. PREVENTION AND DETECTION OF FRAUD. (a) A
16 hospital district or public hospital may adopt reasonable
17 procedures for minimizing the opportunity for fraud, for
18 establishing and maintaining methods for detecting and identifying
19 situations in which a question of fraud may exist, and for
20 administrative hearings to be conducted on disqualifying persons in
21 cases where fraud appears to exist.

22 (b) Procedures established by a hospital district or public
23 hospital for administrative hearings conducted under this section
24 shall provide for appropriate due process, including procedures for
25 appeals.

26 SECTION 15. Subsection (c), Section 61.023, Health and
27 Safety Code, is repealed.

1 SECTION 16. Notwithstanding Subsection (e), Section
2 61.025, Health and Safety Code, a county and municipality may amend
3 an agreement under Section 61.025, Health and Safety Code, to
4 conform to changes in law made by this Act to Subsection (b),
5 Section 61.025, Health and Safety Code.

6 SECTION 17. This Act takes effect immediately if it
7 receives a vote of two-thirds of all the members elected to each
8 house, as provided by Section 39, Article III, Texas Constitution.
9 If this Act does not receive the vote necessary for immediate
10 effect, this Act takes effect September 1, 2007.