

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. Section 61.003(f), 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. Sections 61.004(a) and (d), Health and Safety
4 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. Section 61.006(c), Health and Safety Code, is
17 amended to read as follows:

18 (c) The department shall also define the services and
19 establish the payment standards for the categories of services
20 listed in Sections 61.028(a) and 61.0285 in accordance with Health
21 and Human Services Commission [~~Texas Department of Human Services~~]
22 rules relating to the Temporary Assistance for Needy
23 Families-Medicaid program.

24 SECTION 6. Section 61.007, Health and Safety Code, is
25 amended to read as follows:

26 Sec. 61.007. INFORMATION PROVIDED BY APPLICANT. The
27 department by rule shall require each applicant to provide at least

1 the following information:

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

3 (2) the applicant's social security number, if
4 available;

5 (3) the number of persons in the applicant's
6 household, excluding persons receiving Temporary Assistance for
7 Needy Families, Supplemental Security Income, or Medicaid
8 benefits;

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

10 (5) the existence of insurance coverage or other
11 hospital or health care benefits for which the applicant is
12 eligible;

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

15 (7) the applicant's annual household income, excluding
16 the income of any household member receiving Temporary Assistance
17 for Needy Families, Supplemental Security Income, or Medicaid
18 benefits; and

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

22 SECTION 7. Section 61.008(a), Health and Safety Code, is
23 amended to read as follows:

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

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

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

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

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

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

18 SECTION 8. Section 61.009, Health and Safety Code, is
19 amended by amending Subsection (a) and adding Subsection (c) to
20 read as follows:

21 (a) The department shall establish uniform reporting
22 requirements for governmental entities that own, operate, or lease
23 public hospitals providing assistance under this chapter and for
24 counties and hospital districts.

25 (c) The reports must be sent to the department at least
26 annually.

27 SECTION 9. Section 61.025(b), Health and Safety Code, is

1 amended to read as follows:

2 (b) The transfer agreement may transfer partial
3 responsibility to the county under which the municipal hospital
4 continues to provide health care services to eligible residents of
5 the municipality, but the county agrees to assume the hospital's
6 responsibility to reimburse other providers who provide:

7 (1) basic [~~mandatory~~] inpatient or outpatient
8 services to eligible residents that the municipal hospital cannot
9 provide; or

10 (2) emergency services to eligible residents.

11 SECTION 10. Sections 61.0285(a) and (b), Health and Safety
12 Code, are amended to read as follows:

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

18 (1) freestanding ambulatory surgical center services;

19 (2) diabetic and colostomy medical supplies and
20 equipment;

21 (3) durable medical equipment;

22 (4) home and community health care services;

23 (5) social work services;

24 (6) psychological counseling services;

25 (7) services provided by physician assistants, nurse
26 practitioners, certified nurse midwives, clinical nurse
27 specialists, and certified registered nurse anesthetists;

- 1 (8) dental care;
- 2 (9) vision care, including eyeglasses;
- 3 (10) services provided by federally qualified health
- 4 centers, as defined by 42 U.S.C. Section 1396d(1)(2)(B);
- 5 (11) emergency medical services; and
- 6 (12) any other appropriate health care service
- 7 identified by ~~[board]~~ rule that may be determined to be
- 8 cost-effective.

9 (b) A county must notify the department of the county's

10 intent to provide services specified by Subsection (a). The ~~[If~~

11 ~~the services are approved by the department under Section 61.006,~~

12 ~~or if the department fails to notify the county of the department's~~

13 ~~disapproval before the 31st day after the date the county notifies~~

14 ~~the department of its intent to provide the services, the]~~ county

15 may credit the services toward eligibility for state assistance

16 under this subchapter.

17 SECTION 11. Section 61.032(e), Health and Safety Code, is

18 amended to read as follows:

19 (e) If the county and the provider disagree on the patient's

20 ~~[residence or]~~ eligibility, the county or the provider may submit

21 the matter to the department as provided by Section 61.004.

22 SECTION 12. Section 61.042(a), Health and Safety Code, is

23 amended to read as follows:

24 (a) A county may establish procedures consistent with those

25 used by the Health and Human Services Commission ~~[Texas Department~~

26 ~~of Human Services]~~ under Chapter 31, Human Resources Code, for

27 administering an employment services program and requiring an

1 applicant or eligible resident to register for work with the Texas
2 Workforce [~~Employment~~] Commission.

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

5 Sec. 61.066. PREVENTION AND DETECTION OF FRAUD. (a) A
6 hospital district or public hospital may adopt reasonable
7 procedures for minimizing the opportunity for fraud, for
8 establishing and maintaining methods for detecting and identifying
9 situations in which a question of fraud may exist, and for
10 administrative hearings to be conducted on disqualifying persons in
11 cases where fraud appears to exist.

12 (b) Procedures established by a hospital district or public
13 hospital for administrative hearings conducted under this section
14 shall provide for appropriate due process, including procedures for
15 appeals.

16 SECTION 14. Section 61.023(c), Health and Safety Code, is
17 repealed.

18 SECTION 15. Notwithstanding Section 61.025(e), Health and
19 Safety Code, a county and municipality may amend an agreement under
20 Section 61.025, Health and Safety Code, to conform to changes in law
21 made by this Act to Section 61.025(b), Health and Safety Code.

22 SECTION 16. This Act takes effect immediately if it
23 receives a vote of two-thirds of all the members elected to each
24 house, as provided by Section 39, Article III, Texas Constitution.
25 If this Act does not receive the vote necessary for immediate
26 effect, this Act takes effect September 1, 2007.