

By: Jackson, Mike

S.B. No. 2040

A BILL TO BE ENTITLED

AN ACT

relating to coverage for bariatric surgical procedures for certain state employees.

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

SECTION 1. Subtitle B, Title 6, Government Code, is amended by adding Chapter 672 to read as follows:

CHAPTER 672. BARIATRIC SURGERY BENEFITS FOR STATE EMPLOYEES

Sec. 672.001. DEFINITION. In this chapter, "state agency" means a department, institution, commission, or other agency of the state.

Sec. 672.002. PROVISION OF BENEFIT. (a) In this section, "service" means personal service to the state creditable in accordance with rules adopted by the board of trustees of the Employees Retirement System of Texas.

(b) Except as provided by Subsection (c), a state agency may use available public funds to provide to an employee of the state agency with at least five years of service coverage for the expenses of bariatric surgical procedures.

(c) Coverage may not be provided to an employee under this section to the extent that coverage is available to the employee under Chapter 1551, Insurance Code.

SECTION 2. Subchapter E, Chapter 1551, Insurance Code, is amended by adding Section 1551.228 to read as follows:

Sec. 1551.228. COVERAGE FOR BARIATRIC SURGICAL PROCEDURES.

1 A group health benefit plan offered under the group benefits  
2 program must provide an employee with at least five years of service  
3 coverage for bariatric surgical procedures that is at least as  
4 extensive as the benefit for bariatric surgery provided to Medicare  
5 beneficiaries under the National Coverage Determinations Manual  
6 published by the Centers for Medicare and Medicaid Services on  
7 February 15, 2006.

8 SECTION 3. (a) An interim committee is created to study  
9 the cost that the state can be expected to incur and the benefits  
10 the state can be expected to realize by providing the coverage for  
11 bariatric surgical procedures for state employees required by  
12 Section 1551.228, Insurance Code, as added by this Act. The  
13 committee's study must include, to the extent feasible, a study of  
14 the costs incurred and benefits realized by any political  
15 subdivision of the state that has provided benefits for bariatric  
16 surgical procedures to the employees of the political subdivision.  
17 A political subdivision that provides a benefit described by this  
18 subsection shall provide the committee with any information related  
19 to the provision of those benefits, other than information that  
20 would identify the recipient of the benefit.

21 (b) The committee consists of the following five members:

22 (1) two senators appointed by the lieutenant governor;

23 (2) two representatives appointed by the speaker of  
24 the house of representatives; and

25 (3) one member appointed by the governor, who shall  
26 serve as the committee's presiding officer.

27 (c) The committee shall convene at the call of the presiding

1 officer.

2 (d) The committee has all other powers and duties provided  
3 to a special or select committee by the rules of the senate and  
4 house of representatives, by Subchapter B, Chapter 301, Government  
5 Code, and by policies of the senate and house committees on  
6 administration.

7 (e) From the contingent expense fund of the senate and the  
8 contingent expense fund of the house of representatives equally,  
9 the members of the committee are entitled to reimbursement for  
10 expenses incurred in carrying out the provisions of this Act in  
11 accordance with the rules of the senate and house of  
12 representatives and the policies of the senate and house committees  
13 on administration.

14 (f) Not later than January 15, 2009, the committee shall  
15 report the committee's findings and recommendations to the  
16 lieutenant governor, the speaker of the house of representatives,  
17 and the governor. The committee shall include in its  
18 recommendations specific statutory changes that appear necessary  
19 or advisable from the results of the committee's study under  
20 Subsection (a) of this section, including changes to the  
21 eligibility requirements or benefit levels under Section 1551.228,  
22 Insurance Code, as added by this Act, or the repeal of that section.

23 (g) Not later than the 60th day after the effective date of  
24 this Act, the lieutenant governor, the speaker of the house of  
25 representatives, and the governor shall appoint the members of the  
26 interim committee created under this section.

27 (h) This section expires September 1, 2009.

1           SECTION 4. The change in law made by Section 1551.228,  
2 Insurance Code, as added by this Act, applies to health benefit  
3 plans provided under Chapter 1551, Insurance Code, beginning with  
4 the 2010-2011 plan year.

5           SECTION 5. This Act takes effect September 1, 2007.