

By: Dukes

H.B. No. 584

A BILL TO BE ENTITLED

AN ACT

relating to health benefits coverage for certain persons under the child health plan, medical assistance, and other programs.

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

SECTION 1. Section 62.101(b), Health and Safety Code, is amended to read as follows:

(b) The commission shall establish income eligibility levels consistent with Title XXI, Social Security Act (42 U.S.C. Section 1397aa et seq.), as amended, and any other applicable law or regulations, and subject to the availability of appropriated money, so that a child who is younger than 19 years of age and whose net family income is at or below 300 [~~200~~] percent of the federal poverty level is eligible for health benefits coverage under the program. In addition, the commission may establish eligibility standards regarding the amount and types of allowable assets for a family whose net family income is above 150 percent of the federal poverty level.

SECTION 2. Subtitle C, Title 2, Health and Safety Code, is amended by adding Chapter 65 to read as follows:

CHAPTER 65. DEMONSTRATION PROJECT TO PROVIDE HEALTH BENEFITS PLAN

COVERAGE TO CERTAIN PARENTS

Sec. 65.001. DEFINITIONS. In this chapter:

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

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

3           Sec. 65.002. NOT AN ENTITLEMENT. This chapter does not  
4 establish an entitlement to assistance in obtaining health  
5 benefits.

6           Sec. 65.003. HEALTH BENEFITS PLAN COVERAGE FOR CERTAIN  
7 PARENTS. (a) The executive commissioner shall develop and seek a  
8 waiver under Section 1115 of the federal Social Security Act (42  
9 U.S.C. Section 1315) to implement a demonstration project to  
10 provide health benefits plan coverage to an individual who:

11           (1) is the parent of a child receiving medical  
12 assistance under Chapter 32, Human Resources Code, or of a child  
13 enrolled in the child health plan under Chapter 62;

14           (2) has a net family income, as defined by Section  
15 62.002, that is equal to or less than 300 percent of the federal  
16 poverty level;

17           (3) is not eligible for medical assistance; and

18           (4) is not covered by a health benefits plan offering  
19 adequate benefits, as determined by the commission.

20           (b) The demonstration project developed under this section  
21 must be designed and administered in a manner that:

22           (1) qualifies for federal funding; and

23           (2) is, to the extent practical, substantively  
24 identical to the manner in which the child health plan program is  
25 administered under Chapter 62, except as otherwise provided by this  
26 chapter.

27           Sec. 65.004. COST-SHARING REQUIREMENTS. The commission

1 shall require that an individual provided health benefits plan  
2 coverage under this chapter pay:

- 3 (1) 100 percent of the plan premium; and  
4 (2) deductibles, coinsurance, or other cost-sharing  
5 payments as determined by the executive commissioner.

6 Sec. 65.005. BENEFITS COVERAGE REQUIRED. To the extent  
7 possible, a health benefits plan offered under this chapter must  
8 provide benefits similar to the benefits provided under the child  
9 health plan program under Section 62.151.

10 Sec. 65.006. CROWD-OUT. To the extent allowed by federal  
11 law, the demonstration project under this chapter must include  
12 provisions designed to discourage:

- 13 (1) employers and other persons from electing to  
14 discontinue offering health benefits plan coverage for individuals  
15 under employee or other group health benefit plans; and

- 16 (2) individuals with access to adequate health benefit  
17 plan coverage, other than coverage under the health benefits plan  
18 offered under this chapter, from electing to not obtain, or to  
19 discontinue, that coverage.

20 Sec. 65.007. RULES. The executive commissioner shall adopt  
21 rules as necessary to implement the demonstration project under  
22 this chapter.

23 SECTION 3. Section 32.024(i), Human Resources Code, as  
24 amended by Chapters 198 (H.B. 2292) and 1251 (S.B. 1862), Acts of  
25 the 78th Legislature, Regular Session, 2003, is reenacted and  
26 amended to read as follows:

- 27 (i) The [~~Subject to appropriated state funds, the~~]

1 department in its adoption of rules shall establish a medically  
2 needy program that serves pregnant women, children, and caretakers  
3 who have high medical expenses. At a minimum, the program must  
4 serve recipients, including adult recipients, in the same manner  
5 and at the same level that services were provided to recipients  
6 under the medically needy program during the state fiscal biennium  
7 ending August 31, 2003.

8 SECTION 4. Section 32.0261, Human Resources Code, is  
9 amended to read as follows:

10 Sec. 32.0261. CONTINUOUS ELIGIBILITY. The department  
11 shall adopt rules in accordance with 42 U.S.C. Section  
12 1396a(e)(12), as amended, to provide for a period of continuous  
13 eligibility for a child under 19 years of age who is determined to  
14 be eligible for medical assistance under this chapter. The rules  
15 shall provide that the child remains eligible for medical  
16 assistance, without additional review by the department and  
17 regardless of changes in the child's resources or income, until the  
18 earlier of:

19 (1) the first anniversary of [~~end of the six-month~~  
20 ~~period following~~] the date on which the child's eligibility was  
21 determined; or

22 (2) the child's 19th birthday.

23 SECTION 5. (a) In this section:

24 (1) "Child health plan program" means the state child  
25 health plan program established under Chapter 62, Health and Safety  
26 Code.

27 (2) "Commission" means the Health and Human Services

1 Commission.

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

4 (4) "Medicaid" means the medical assistance program  
5 under Chapter 32, Human Resources Code.

6 (b) Not later than September 1, 2010, the executive  
7 commissioner by rule shall develop a strategic plan designed to:

8 (1) intensify community outreach and education  
9 relating to the availability of benefits under the child health  
10 plan and Medicaid programs; and

11 (2) reduce the paperwork and other administrative  
12 burdens associated with determining eligibility for and enrolling  
13 eligible individuals in the child health plan and Medicaid  
14 programs.

15 (c) Not later than September 1, 2011, the commission shall  
16 implement the plan developed under Subsection (b) of this section.

17 SECTION 6. As soon as practicable after the effective date  
18 of this Act, the executive commissioner of the Health and Human  
19 Services Commission shall apply for and actively pursue the waiver  
20 from the federal Centers for Medicare and Medicaid Services or any  
21 other federal agency required by Section 65.003, Health and Safety  
22 Code, as added by this Act. The commission may delay implementing  
23 Chapter 65, Health and Safety Code, as added by this Act, until the  
24 waiver applied for under this section is granted.

25 SECTION 7. Not later than October 1, 2009, the executive  
26 commissioner of the Health and Human Services Commission shall  
27 adopt rules as necessary under Section 32.024(i), Human Resources

1 Code, as amended by Chapters 198 (H.B. 2292) and 1251 (S.B. 1862),  
2 Acts of the 78th Legislature, Regular Session, 2003, and this Act,  
3 that, to the extent possible, are substantively identical to the  
4 rules relating to the medically needy program that were in effect on  
5 August 31, 2003.

6 SECTION 8. If before implementing any provision of this Act  
7 a state agency determines that a waiver or authorization from a  
8 federal agency, other than the waiver required by Section 65.003,  
9 Health and Safety Code, as added by this Act, is necessary for  
10 implementation of that provision, the agency affected by the  
11 provision shall request the waiver or authorization and may delay  
12 implementing that provision until the waiver or authorization is  
13 granted.

14 SECTION 9. This Act takes effect September 1, 2009.