

By: Naishtat

H.B. No. 862

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for the child health plan program.

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

SECTION 1. Section 62.002(2), Health and Safety Code, is amended to read as follows:

(2) "Executive commissioner" or "commissioner [~~Commissioner~~]" means the executive commissioner of the Health [~~health~~] and Human Services Commission [~~human services~~].

SECTION 2. 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 250 [~~150~~] percent of the federal poverty level.

SECTION 3. Section 62.102(a), Health and Safety Code, is amended to read as follows:

(a) The [~~Subject to a review under Subsection (b), the~~]

1 commission shall provide that an individual who is determined to be
2 eligible for coverage under the child health plan remains eligible
3 for those benefits until the earlier of:

4 (1) the end of a period not to exceed 12 months,
5 beginning the first day of the month following the date of the
6 eligibility determination; or

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

8 SECTION 4. Chapter 62, Health and Safety Code, is amended by
9 adding Subchapter F to read as follows:

10 SUBCHAPTER F. BUY-IN OPTION

11 Sec. 62.251. BUY-IN OPTION FOR CERTAIN CHILDREN. The
12 executive commissioner shall develop and implement a buy-in option
13 in accordance with this subchapter under which children whose net
14 family incomes exceed 300 percent of the federal poverty level are
15 eligible to purchase health benefits coverage available under the
16 child health plan program.

17 Sec. 62.252. RULES; ELIGIBILITY AND COST-SHARING. (a) The
18 executive commissioner shall adopt rules in accordance with federal
19 law that apply to a child for whom health benefits coverage is
20 purchased under this subchapter. The rules must:

21 (1) establish eligibility requirements;

22 (2) require payment of 100 percent of the health
23 benefits plan premium and additional deductibles, coinsurance, or
24 other cost-sharing payments as determined by the executive
25 commissioner; and

26 (3) provide for a waiting period.

27 (b) Notwithstanding any other provision of this chapter,

1 the executive commissioner may establish rules and procedures for
2 children for whom health benefits coverage is purchased under this
3 subchapter that differ from the rules and procedures generally
4 applicable to the child health plan program.

5 Sec. 62.253. CROWD-OUT. To the extent allowed by federal
6 law, the buy-in option developed under this subchapter must include
7 provisions designed to discourage:

8 (1) employers and other persons from electing to
9 discontinue offering health benefits plan coverage for employees'
10 children under employee or other group health benefits plans; and

11 (2) individuals with access to adequate health
12 benefits plan coverage for their children from electing not to
13 obtain, or to discontinue, that coverage.

14 SECTION 5. Sections 62.102(b) and (c), Health and Safety
15 Code, are repealed.

16 SECTION 6. Not later than January 1, 2010, the executive
17 commissioner of the Health and Human Services Commission shall
18 adopt rules as necessary to implement Subchapter F, Chapter 62,
19 Health and Safety Code, as added by this Act.

20 SECTION 7. If before implementing any provision of this Act
21 a state agency determines that a waiver or authorization from a
22 federal agency is necessary for implementation of that provision,
23 the agency affected by the provision shall request the waiver or
24 authorization and may delay implementing that provision until the
25 waiver or authorization is granted.

26 SECTION 8. This Act takes effect September 1, 2009.