

By: Jackson

H.B. No. 1744

A BILL TO BE ENTITLED

AN ACT

relating to employer liability for the cost of health care services provided to certain indigent employees.

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

SECTION 1. Section 61.007, Health and Safety Code, is amended to read as follows:

Sec. 61.007. INFORMATION PROVIDED BY APPLICANT. The executive commissioner of the Health and Human Services Commission ~~[department]~~ by rule shall require each applicant to provide at least the following information:

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

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

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

(4) the applicant's county of residence;

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

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

(7) the applicant's annual household income, excluding

1 the income of any household member receiving Temporary Assistance  
2 for Needy Families, Supplemental Security Income, or Medicaid  
3 benefits; ~~and~~

4 (8) the amount of the applicant's liquid assets and the  
5 equity value of the applicant's car and real property; and

6 (9) the name and address of the applicant's employer,  
7 if available.

8 SECTION 2. Chapter 61, Health and Safety Code, is amended by  
9 adding Subchapter D to read as follows:

10 SUBCHAPTER D. EMPLOYER RESPONSIBILITY FOR CERTAIN EMPLOYEES

11 Sec. 61.081. DEFINITION. In this subchapter, "illegal  
12 alien" means an individual who is not a citizen or national of the  
13 United States whose presence in the country is not authorized by  
14 federal law.

15 Sec. 61.082. EMPLOYER LIABILITY. (a) This section applies  
16 to an individual who is an illegal alien and who would otherwise  
17 qualify under this chapter as an eligible resident of the county,  
18 public hospital, or hospital district in which the services were  
19 provided at the time the individual received health care services.

20 (b) An employer who knowingly employs an individual  
21 described by Subsection (a) is liable to the county, public  
22 hospital, or hospital district that is responsible for providing  
23 the services to eligible residents for the cost of the services  
24 provided.

25 (c) A county, public hospital, or hospital district may  
26 bring an action against the employer described by Subsection (b) to  
27 recover costs under Subsection (b). The costs collected under this

1 subsection may be retained by the county, public hospital, or  
2 hospital district.

3 (d) In adopting an application procedure under Section  
4 61.024 or 61.053 a county, public hospital, or hospital district  
5 shall require an applicant to provide available employer  
6 information.

7 SECTION 3. (a) Not later than January 1, 2010:

8 (1) the executive commissioner of the Health and Human  
9 Services Commission shall adopt the rules necessary to implement  
10 the changes in law made by this Act; and

11 (2) a county, public hospital, or hospital district  
12 shall adopt the application procedure as required by Section  
13 61.082(d), Health and Safety Code, as added by this Act.

14 (b) Notwithstanding Section 61.082(b), Health and Safety  
15 Code, as added by this Act, an employer is not liable for costs  
16 under that section that accrue before April 1, 2010.

17 SECTION 4. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2009.