

By: Hernandez

H.B. No. 2388

A BILL TO BE ENTITLED

AN ACT

relating to 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. Sections 62.102(b) and (c), Health and Safety Code, are amended to read as follows:

(b) During the sixth month following the date of initial

1 enrollment or reenrollment of an individual whose net family income  
2 exceeds 285 ~~[185]~~ percent of the federal poverty level, the  
3 commission shall:

4 (1) review the individual's net family income and may  
5 use electronic technology if available and appropriate; and

6 (2) continue to provide coverage if the individual's  
7 net family income does not exceed the income eligibility limits  
8 prescribed by Section 62.101 ~~[this chapter]~~.

9 (c) If, during the review required under Subsection (b), the  
10 commission determines that the individual's net family income  
11 exceeds the income eligibility limits prescribed by Section 62.101  
12 ~~[this chapter]~~, the commission may not disenroll the individual  
13 until:

14 (1) the commission has provided the family an  
15 opportunity to demonstrate that the family's net family income is  
16 within the income eligibility limits prescribed by Section 62.101  
17 ~~[this chapter]~~; and

18 (2) the family fails to demonstrate such eligibility.

19 SECTION 4. Section 62.153, Health and Safety Code, is  
20 amended by amending Subsection (a) and adding Subsection (a-1) to  
21 read as follows:

22 (a) To the extent permitted under 42 U.S.C. Section 1397cc,  
23 as amended, and any other applicable law or regulations, the  
24 commission shall require enrollees whose net family incomes are at  
25 or below 200 percent of the federal poverty level to share the cost  
26 of the child health plan, including provisions requiring enrollees  
27 under the child health plan to pay:

- (1) a copayment for services provided under the plan;
- (2) an enrollment fee; or
- (3) a portion of the plan premium.

(a-1) The commission shall require enrollees whose net family incomes are greater than 200 percent but not greater than 300 percent of the federal poverty level to pay a share of the cost of the child health plan through copayments, fees, and a portion of the plan premium. The amount of the share required to be paid must:

(1) exceed the amount required to be paid by enrollees described by Subsection (a); and

(2) equal the highest amount that may be required to be paid under federal law, but not to exceed five percent of the enrollee's net family income.

SECTION 5. Chapter 62, Health and Safety Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. BUY-IN OPTION

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

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

- (1) establish eligibility requirements;

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

5           (3) provide for a waiting period.

6           (b) Notwithstanding any other provision of this chapter,  
7 the executive commissioner may establish rules and procedures for  
8 children for whom health benefits coverage is purchased under this  
9 subchapter that differ from the rules and procedures generally  
10 applicable to the child health plan program.

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

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

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

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

24           SECTION 7. If before implementing any provision of this Act  
25 a state agency determines that a waiver or authorization from a  
26 federal agency is necessary for implementation of that provision,  
27 the agency affected by the provision shall request the waiver or

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1 authorization and may delay implementing that provision until the  
2 waiver or authorization is granted.

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