

By: Herrero

H.B. No. 4278

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. Sections 62.101(b), and (b-1) of the Health and Safety Code, are 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 2. Section 62.102(b), Health and Safety Code, is amended to read as follows:

(b) During the sixth month following the date of initial enrollment or reenrollment of an individual whose net family income exceeds 285 [~~185~~] percent of the federal poverty level, the commission shall:

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

1           (2) continue to provide coverage if the individual's  
2 net family income does not exceed the income eligibility limits  
3 prescribed by this chapter.

4           SECTION 3. Section 62.101(b), Health and Safety Code, as  
5 amended by this Act, applies to a determination of eligibility of a  
6 person for coverage under the child health plan under Chapter 62,  
7 Health and Safety Code, made on or after the effective date of this  
8 Act, regardless of the date the person applied for that coverage.

9           SECTION 4. Section 62.102(b), Health and Safety Code, as  
10 amended by this Act, applies to an enrollee under the child health  
11 plan under Chapter 62, Health and Safety Code, beginning on the  
12 effective date of this Act, regardless of the date the enrollment  
13 period began.

14          SECTION 5. If before implementing any provision of this Act  
15 a state agency determines that a waiver or authorization from a  
16 federal agency is necessary for implementation of that provision,  
17 the agency affected by the provision shall request a waiver or  
18 authorization and may delay implementing that provision until the  
19 waiver or authorization is granted.

20          SECTION 6. This Act takes effect September 1, 2009.

21          (b-1) The eligibility standards adopted under Subsection  
22 (b) related to allowable assets:

23               (1) must allow a family to own at least \$20,000  
24 [~~\$10,000~~] in allowable assets; and

25               (2) may not in calculating the amount of allowable  
26 assets under Subdivision (1) consider:

27                   (A) the value of one vehicle that qualifies for

1 an exemption under commission rule based on its use;

2 (B) the value of a second or subsequent vehicle  
3 that qualifies for an exemption under commission rule based on its  
4 use if:

5 (i) the vehicle is worth \$18,000 or less; or

6 (ii) the vehicle has been modified to  
7 provide transportation for a household member with a disability;

8 (C) if no vehicle qualifies for an exemption  
9 based on its use under commission rule, the [~~first \$18,000 of~~] value  
10 of the highest valued vehicle; or

11 (D) the first \$7,500 of value of any vehicle not  
12 described by Paragraph (A), (B), or (C).

13 SECTION 2. Subchapter C, Chapter 62, Health and Safety  
14 Code, is amended by adding Section 62.1012 to read as follows:

15 Sec. 62.1012. FULL COST BUY-IN PROGRAM. (a) The commission  
16 may establish a full cost buy-in program under which a family pays  
17 premiums in an amount that fully offsets the cost of coverage under  
18 the child health plan.

19 (b) A child who is not eligible for the child health plan  
20 because the family's allowable assets exceed the amount established  
21 under Section 62.101(b) is eligible to participate in a full cost  
22 buy-in program established under this section.

23 SECTION 3. If before implementing any provision of this Act  
24 a state agency determines that a waiver or authorization from a  
25 federal agency is necessary for implementation of that provision,  
26 the agency affected by the provision shall request the waiver or  
27 authorization and may delay implementing that provision until the

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1 waiter or authorization is granted.

2 SECTION 4. This Act takes effect September 1, 2009.