

By: Hunter

H.B. No. 4288

A BILL TO BE ENTITLED

AN ACT

relating to health care coverage for children in Title IV-D cases.

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

SECTION 1. Section 154.182(b), Family Code, is amended to read as follows:

(b) In determining the manner in which health care coverage for the child is to be ordered, the court shall render its order in accordance with the following priorities, unless a party shows good cause why a particular order would not be in the best interest of the child:

(1) if health insurance is available for the child through a parent's employment or membership in a union, trade association, or other organization at reasonable cost ~~[to the parent]~~, the court shall order that parent to include the child in the parent's health insurance;

(2) if health insurance is not available for the child under Subdivision (1) but is available to a parent at reasonable cost from another source, including the program under Section 154.1826 to provide health insurance in Title IV-D cases ~~[and at a reasonable cost]~~, the court may order that parent to provide health insurance for the child; or

(3) if health insurance coverage is not available for the child under Subdivision (1) or (2), the court shall order the obligor to pay the obligee, in addition to any amount ordered under

1 the guidelines for child support, an amount, not to exceed nine
2 percent of the obligor's annual [~~monthly~~] resources, as described
3 by Section 154.062(b), as cash medical support for the child.

4 SECTION 2. Subchapter D, Chapter 154, Family Code, is
5 amended by adding Sections 154.1826 and 154.1827 to read as
6 follows:

7 Sec. 154.1826. HEALTH CARE PROGRAM FOR CERTAIN CHILDREN IN
8 TITLE IV-D CASES. (a) In this section:

9 (1) "Health benefit plan issuer" means an insurer,
10 health maintenance organization, or other entity authorized to
11 provide health benefits coverage under this section, including a
12 primary care case management provider network.

13 (2) "Health care provider" means a physician or other
14 person who is licensed, certified, or otherwise authorized to
15 provide a health care service in this state.

16 (3) "Program" means the child health care program
17 developed under this section.

18 (4) "Reasonable cost" has the meaning assigned by
19 Section 154.181(e).

20 (b) In consultation with the Texas Department of Insurance,
21 the Health and Human Services Commission, and representatives of
22 the insurance industry in this state, the Title IV-D agency shall
23 develop and implement a statewide program to address the health
24 care needs of children in Title IV-D cases for whom health insurance
25 is not available to either parent at reasonable cost in the manner
26 described by Section 154.182(b)(1).

27 (c) The principal objective of the program is to provide

1 basic health care services, including usual physician services,
2 office visits, hospitalization, and laboratory, x-ray, and
3 emergency services, to eligible children in Title IV-D cases at
4 reasonable cost to the parents obligated by court order to provide
5 medical support for the children. The health care services
6 provided are intended to be commensurate in range of services with
7 the premium reimbursement available to a health benefit plan
8 issuer.

9 (d) It is the intent of the legislature that the Title IV-D
10 agency maximize the use of private resources in administering the
11 program, including the use of gifts and grants. To the extent
12 federal money is available for that purpose, the Title IV-D agency
13 may contract with a third-party administrator to provide enrollment
14 and related services under the program.

15 (e) The Title IV-D agency shall adopt rules as necessary to
16 implement the program. The Title IV-D agency shall consult with the
17 Health and Human Services Commission and other public and private
18 health care authorities in establishing policies regarding
19 benefits provided by the program.

20 (f) The program may not deny health care coverage to
21 eligible children because of preexisting conditions or chronic
22 illnesses, and must provide a uniform schedule of benefits for all
23 children enrolled in the program. A child who is determined to be
24 eligible for coverage under the program continues to be eligible
25 until the termination of the parent's duty to pay child support as
26 specified by Section 154.006.

27 (g) The Title IV-D agency shall solicit applications for

1 participation in the program from health benefit plan issuers who
2 meet requirements specified by the agency. The Title IV-D agency
3 shall consult with the Texas Department of Insurance in the
4 appropriate rating of health benefit plan issuers who apply for
5 participation in the program. Each health benefit plan issuer who
6 participates in the program must hold a certificate of authority
7 issued by the Texas Department of Insurance.

8 (h) The Title IV-D agency shall promptly notify the courts
9 of this state when the program has been implemented and is available
10 to provide for the health care needs of children described by
11 Subsection (b). The notification must specify a date beginning on
12 which children may be enrolled in the program.

13 (i) On or after the date specified in the notification
14 required by Subsection (h), a court that orders health care
15 coverage for a child in a Title IV-D case shall order that the child
16 be enrolled in the program authorized by this section unless other
17 private health insurance is available for the child at reasonable
18 cost.

19 (j) Payment of premium costs for the enrollment of a child
20 in the program may be enforced against the obligor by any means
21 available for the enforcement of a child support obligation,
22 including income withholding under Chapter 158.

23 (k) To provide the flexibility necessary to provide
24 services at a reasonable cost to an obligor, and notwithstanding
25 any provision in the Insurance Code, the program authorized by this
26 section is not subject to a law that requires:

27 (1) coverage or the offer of coverage of a particular

1 health care service or benefit;

2 (2) coverage or the offer of coverage for the
3 provision of services by a particular health care provider, other
4 than a provider selected for participation in the program; or

5 (3) the use of a particular insurance policy or
6 contract form or of particular language in a policy or contract
7 form.

8 Sec. 154.1827. ADMINISTRATIVE ADJUSTMENT OF MEDICAL
9 SUPPORT ORDER. (a) In a Title IV-D case in which a medical support
10 order requires that a child be enrolled in a health care program
11 under Section 154.1826, the Title IV-D agency may administratively
12 adjust the order as necessary to reflect changes in the amount of
13 premium costs associated with the child's enrollment.

14 (b) The Title IV-D agency shall provide notice of the
15 administrative adjustment to the obligor and the clerk of the court
16 that rendered the order.

17 SECTION 3. This Act takes effect September 1, 2009, except
18 that Section 2 of this Act takes effect immediately if this Act
19 receives a vote of two-thirds of all the members elected to each
20 house, as provided by Section 39, Article III, Texas Constitution.
21 If this Act does not receive the vote necessary for immediate
22 effect, Section 2 takes effect September 1, 2009.