

1-1 By: Nelson S.B. No. 78
1-2 (In the Senate - Filed November 10, 2008; February 10, 2009,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 26, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; March 26, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 78 By: Van de Putte
1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to promoting awareness and education about the purchase
1-11 and availability of health coverage.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-13 SECTION 1. Chapter 524, Insurance Code, is amended to read
1-14 as follows:

1-15 CHAPTER 524. TEXLINK TO HEALTH COVERAGE [AWARENESS AND
1-16 EDUCATION] PROGRAM

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 524.001. DEFINITIONS. In this chapter:

1-19 (1) "Division" means the division of the department
1-20 that administers the TexLink to Health Coverage Program.

1-21 (2) "Program" means the TexLink to Health Coverage
1-22 Program established in accordance with this chapter.

1-23 Sec. 524.002. DIVISION RESPONSIBILITIES. Under the
1-24 direction of the commissioner, the division implements this
1-25 chapter.

1-26 Sec. 524.003. TEXLINK TO HEALTH COVERAGE PROGRAM
1-27 ESTABLISHED. (a) The department shall develop and implement a
1-28 health coverage [public awareness and education] program that
1-29 complies with this chapter. The program must:

1-30 (1) educate the public about the importance and value
1-31 of health coverage;

1-32 (2) promote personal responsibility for health care
1-33 through the purchase of health coverage;

1-34 (3) assist small employers, individuals, and others
1-35 seeking to purchase health coverage with technical information
1-36 necessary to understand available health coverage products;

1-37 (4) promote and facilitate the development and
1-38 availability of new health coverage options;

1-39 (5) increase public awareness of health coverage
1-40 options available in this state; and

1-41 (6) ~~(2) educate the public on the value of health~~
1-42 ~~coverage, and~~

1-43 ~~(3)] provide information on health coverage options,~~
1-44 ~~including health savings accounts and compatible high deductible~~
1-45 ~~health benefit plans.~~

1-46 (b) The program must include a public awareness and
1-47 education component.

1-48 SUBCHAPTER B. PUBLIC AWARENESS AND EDUCATION

1-49 Sec. 524.051. INFORMATION ABOUT SPECIFIC HEALTH BENEFIT
1-50 PLAN ISSUERS. In materials produced for the program, the division
1-51 [department] may include information about specific health benefit
1-52 plan [coverage] issuers but may not favor or endorse one particular
1-53 issuer over another.

1-54 Sec. 524.052 ~~[524.002]~~. PUBLIC SERVICE ANNOUNCEMENTS. The
1-55 division [department] shall develop and make public service
1-56 announcements to educate consumers and employers about the
1-57 availability of health coverage in this state.

1-58 Sec. 524.053 ~~[524.003]~~. INTERNET WEBSITE; PRINTED
1-59 MATERIALS; NEWSLETTER [PUBLIC EDUCATION]. (a) The division
1-60 [department] shall develop an Internet website and printed
1-61 materials designed to educate small employers, individuals, and
1-62 others seeking to purchase health coverage [the public] about [the
1-63 availability of] health coverage in accordance with Section

2-1 524.003(a) [~~this state, including information about health savings~~
 2-2 ~~accounts and compatible high deductible health benefit plans]~~.
 2-3 (b) The division shall make the printed materials produced
 2-4 under the program available to small employers, individuals, and
 2-5 others seeking to purchase health coverage. The division may:
 2-6 (1) distribute the printed materials through
 2-7 facilities such as libraries, health care facilities, and schools
 2-8 as well as other venues the division selects; and
 2-9 (2) use other distribution methods the division
 2-10 selects.
 2-11 (c) The division may produce a newsletter to provide updated
 2-12 information about health coverage to subscribers who elect to
 2-13 receive the newsletter. The division may:
 2-14 (1) produce a newsletter under this subsection for
 2-15 small employers, for individuals, or for other purchasers of health
 2-16 coverage;
 2-17 (2) distribute the newsletter on a monthly, quarterly,
 2-18 or other basis; and
 2-19 (3) distribute the newsletter as a printed document or
 2-20 electronically.
 2-21 Sec. 524.054. TOLL-FREE TELEPHONE HOTLINE; ACCESS TO
 2-22 INFORMATION. (a) The division may operate a toll-free telephone
 2-23 hotline to respond to inquiries and provide information and
 2-24 technical assistance concerning health coverage products.
 2-25 (b) The Health and Human Services Commission, through its
 2-26 2-1-1 telephone number for access to human services, may
 2-27 disseminate information regarding health coverage products
 2-28 provided to the commission by the department and may refer
 2-29 inquiries regarding health coverage products to the toll-free
 2-30 telephone hotline. The department may provide information to the
 2-31 Health and Human Services Commission as necessary to implement this
 2-32 subsection.
 2-33 Sec. 524.055. EDUCATION FOR HIGH SCHOOL STUDENTS. (a) The
 2-34 division may develop educational materials and a curriculum to be
 2-35 used in high school classes that educate students about:
 2-36 (1) the importance and value of health coverage;
 2-37 (2) comparing health benefit plans; and
 2-38 (3) understanding basic provisions contained in
 2-39 health benefit plans.
 2-40 (b) The division may consult with the Texas Education Agency
 2-41 in developing educational materials and a curriculum under this
 2-42 section.
 2-43 Sec. 524.056. HEALTH COVERAGE FAIRS. (a) The division may
 2-44 conduct health coverage fairs to provide small employers,
 2-45 individuals, and others seeking to purchase health coverage the
 2-46 opportunity to obtain information about health coverage from
 2-47 division employees and from health benefit plan issuers and agents
 2-48 that elect to participate.
 2-49 (b) The division shall seek to obtain funding for health
 2-50 coverage fairs conducted under this section through gifts and
 2-51 grants obtained in accordance with Subchapter C.
 2-52 Sec. 524.057. COMMUNITY EVENTS. The division may
 2-53 participate in events held in this state to promote awareness of the
 2-54 importance and value of health coverage and to educate small
 2-55 employers, individuals, and others seeking to purchase health
 2-56 coverage about health coverage in accordance with Section
 2-57 524.003(a).
 2-58 Sec. 524.058. HEALTH COVERAGE PROVIDED THROUGH COLLEGES AND
 2-59 UNIVERSITIES. The division may cooperate with a public or private
 2-60 college or university to promote enrollment in health coverage
 2-61 programs sponsored by or through the college or university.
 2-62 Sec. 524.059. SUPPORT FOR COMMUNITY-BASED PROJECTS. The
 2-63 division may provide support and assistance to individuals and
 2-64 organizations seeking to develop community-based health coverage
 2-65 plans for uninsured individuals.
 2-66 Sec. 524.060. OTHER EDUCATION. The division may [~~department~~
 2-67 ~~shall]~~ provide other appropriate education to the public regarding
 2-68 health coverage and the importance and value of health coverage in
 2-69 accordance with Section 524.003(a).

3-1 Sec. 524.061 [524.004]. TASK FORCE. (a) The commissioner
3-2 may [shall] appoint a task force to make recommendations regarding
3-3 the division's duties under this subchapter [health coverage public
3-4 awareness and education program]. If appointed, the [The] task
3-5 force must be [is] composed of:

3-6 (1) one representative from each of the following
3-7 groups or entities:

- 3-8 (A) health [~~benefit~~] coverage consumers;
- 3-9 (B) small employers;
- 3-10 (C) employers generally;
- 3-11 (D) insurance agents;
- 3-12 (E) the office of public insurance counsel;
- 3-13 (F) the Texas Health Insurance Risk Pool;
- 3-14 (G) physicians;
- 3-15 (H) advanced practice nurses;
- 3-16 (I) hospital trade associations; and
- 3-17 (J) medical units of institutions of higher
3-18 education;

3-19 (2) a representative of the Health and Human Services
3-20 Commission responsible for programs under Medicaid and the
3-21 children's health insurance program; [~~and~~]

3-22 (3) one or more representatives of health benefit plan
3-23 issuers; and

3-24 (4) one or more representatives of a regional or local
3-25 health care program for employees of small employers under Chapter
3-26 75, Health and Safety Code.

3-27 (b) In addition to the individuals listed in Subsection (a),
3-28 the commissioner may select to serve on any task force one or more
3-29 individuals with experience in public relations, marketing, or
3-30 another related field of professional services.

3-31 (c) The division may [~~department shall~~] consult the task
3-32 force regarding the content for the public service announcements,
3-33 Internet website, printed materials, and other educational
3-34 materials required or authorized by this subchapter [~~chapter~~]. The
3-35 commissioner has authority to make final decisions as to what the
3-36 program's materials will contain.

3-37 Sec. 524.062. FEDERAL TAX "TOOL KIT" FOR CERTAIN
3-38 BUSINESSES. The department may:

3-39 (1) produce materials that:

- 3-40 (A) provide step-by-step instructions for a
3-41 small employer or single-employee business that is obtaining health
3-42 coverage for the benefit of the employer or business and the
3-43 employees of the business; and
- 3-44 (B) are designed to allow the employer or
3-45 business to obtain the coverage in a manner that qualifies for
3-46 favorable treatment under federal tax laws; and

3-47 (2) make department staff available to assist small
3-48 employers and single-employee businesses that are obtaining health
3-49 coverage as described by Subdivision (1).

3-50 Sec. 524.063. ASSISTANCE FOR SMALL EMPLOYERS AND
3-51 SINGLE-EMPLOYEE BUSINESSES. The department may train staff
3-52 concerning available health coverage options for small employers
3-53 and single-employee businesses to:

- 3-54 (1) respond to telephone inquiries from small
3-55 employers and single-employee businesses; and
- 3-56 (2) speak at events to provide information about
3-57 health coverage options for small employers and single-employee
3-58 businesses and about the importance and value of health coverage.

3-59 Sec. 524.064. ACCOUNTANT. The department may employ an
3-60 accountant with experience in federal tax law and the purchase of
3-61 group health coverage as necessary to implement this chapter.

3-62 SUBCHAPTER C. FUNDING

3-63 Sec. 524.101 [524.005]. FUNDING. The department may accept
3-64 gifts and grants from any party, including a health benefit plan
3-65 issuer or a foundation associated with a health benefit plan
3-66 issuer, to assist with funding the program. The department shall
3-67 adopt rules governing acceptance of donations that are consistent
3-68 with Chapter 575, Government Code. Before adopting rules under
3-69 this section [~~subsection~~], the department shall:

4-1 (1) submit the proposed rules to the Texas Ethics
4-2 Commission for review; and

4-3 (2) consider the commission's recommendations
4-4 regarding the regulations.

4-5 SECTION 2. This Act takes effect September 1, 2009.

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