

By: Watson

S.B. No. 1434

A BILL TO BE ENTITLED

AN ACT

relating to the administration of and eligibility for the child health plan program.

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

SECTION 1. Subchapter B, Chapter 62, Health and Safety Code, is amended by adding Section 62.0511 to read as follows:

Sec. 62.0511. ADDITIONAL DUTIES RELATING TO APPROPRIATIONS. (a) Not later than September 1 of each even-numbered year, the commission and the Legislative Budget Board shall jointly determine and submit to the comptroller:

(1) the anticipated average number of enrollees in the child health plan program for the state fiscal biennium beginning September 1 of the following year; and

(2) the estimated state cost per enrollee for coverage under the program during that biennium.

(b) The anticipated average number of enrollees reported as required by Subsection (a)(1) must be based on:

(1) the income eligibility level that will be in effect under Section 62.101(b) during that state fiscal biennium;

(2) the number of enrollees in the child health plan program for the current state fiscal biennium;

(3) historical data relating to the number of new enrollees covered under the program each state fiscal biennium and the number of enrollees who are disenrolled during each biennium;

1           (4) state demographic data; and

2           (5) any other relevant factors.

3           (c) The estimated state cost per enrollee reported as  
4 required by Subsection (a)(2) must be based on:

5           (1) statewide cost trends in health benefits coverage,  
6 including cost trends relating to prescription drug benefits;

7           (2) historical data relating to the maximum federal  
8 allotment for the program;

9           (3) the estimated anticipated maximum federal  
10 allotment for the program for that state fiscal biennium; and

11           (4) any other relevant factors.

12           (d) The comptroller shall determine, based on the  
13 information submitted by the commission and the Legislative Budget  
14 Board as required by Subsection (a) and other appropriate fiscal  
15 estimates, an estimate of the amount of state money that will be  
16 appropriated under Section 51-a, Article III, Texas Constitution,  
17 for the child health plan program. Not later than December 1 of  
18 each even-numbered year, the comptroller shall certify that amount  
19 to the Senate Finance Committee, or its successor, the House  
20 Appropriations Committee, or its successor, and the Legislative  
21 Budget Board.

22           SECTION 2. Effective September 1, 2010, Section 62.101(b),  
23 Health and Safety Code, is amended to read as follows:

24           (b) The commission shall establish income eligibility  
25 levels consistent with Title XXI, Social Security Act (42 U.S.C.  
26 Section 1397aa et seq.), as amended, and any other applicable law or  
27 regulations, ~~[and subject to the availability of appropriated~~

1 ~~money,~~] so that a child who is younger than 19 years of age and whose  
2 net family income is at or below 200 percent of the federal poverty  
3 level is eligible for health benefits coverage under the  
4 program. ~~[In addition, the commission may establish eligibility~~  
5 ~~standards regarding the amount and types of allowable assets for a~~  
6 ~~family whose net family income is above 150 percent of the federal~~  
7 ~~poverty level.]~~

8 SECTION 3. Effective September 1, 2011, Section 62.101(b),  
9 Health and Safety Code, is amended to read as follows:

10 (b) The commission shall establish income eligibility  
11 levels consistent with Title XXI, Social Security Act (42 U.S.C.  
12 Section 1397aa et seq.), as amended, and any other applicable law or  
13 regulations, ~~[and subject to the availability of appropriated~~  
14 ~~money,~~] so that a child who is younger than 19 years of age and whose  
15 net family income is at or below the lesser of 250 [200] percent of  
16 the federal poverty level, or the maximum net family income  
17 eligibility level for which money is appropriated under Section  
18 51-a, Article III, Texas Constitution, or other law, is eligible  
19 for health benefits coverage under the program. ~~[In addition, the~~  
20 ~~commission may establish eligibility standards regarding the~~  
21 ~~amount and types of allowable assets for a family whose net family~~  
22 ~~income is above 150 percent of the federal poverty level].~~

23 SECTION 4. Effective September 1, 2013, Section 62.101(b),  
24 Health and Safety Code, is amended to read as follows:

25 (b) The commission shall establish income eligibility  
26 levels consistent with Title XXI, Social Security Act (42 U.S.C.  
27 Section 1397aa et seq.), as amended, and any other applicable law or

1 regulations, [~~and subject to the availability of appropriated~~  
2 ~~money,~~] so that a child who is younger than 19 years of age and whose  
3 net family income is at or below the lesser of 300 [200] percent of  
4 the federal poverty level, or the maximum net family income  
5 eligibility level for which money is appropriated under Section  
6 51-a, Article III, Texas Constitution, or other law, is eligible  
7 for health benefits coverage under the program. [~~In addition, the~~  
8 ~~commission may establish eligibility standards regarding the~~  
9 ~~amount and types of allowable assets for a family whose net family~~  
10 ~~income is above 150 percent of the federal poverty level.~~]

11 SECTION 5. Section 62.102(a), Health and Safety Code, is  
12 amended to read as follows:

13 (a) The [~~Subject to a review under Subsection (b), the~~]  
14 commission shall provide that an individual who is determined to be  
15 eligible for coverage under the child health plan remains eligible  
16 for those benefits until the earlier of:

17 (1) the end of a period not to exceed 12 months,  
18 beginning the first day of the month following the date of the  
19 eligibility determination; or

20 (2) the individual's 19th birthday.

21 SECTION 6. Sections 62.101(b-1) and 62.102(b) and (c),  
22 Health and Safety Code, are repealed.

23 SECTION 7. Notwithstanding Section 62.0511, Health and  
24 Safety Code, as added by this Act:

25 (1) the Health and Human Services Commission and the  
26 Legislative Budget Board shall submit the information described by  
27 Section 62.0511(a), Health and Safety Code, as added by this Act,

1 regarding the state fiscal year beginning September 1, 2010, to the  
2 comptroller of public accounts not later than February 1, 2010; and

3 (2) the comptroller of public accounts shall make the  
4 determination and certify the amount described by Section  
5 62.0511(d), Health and Safety Code, as added by this Act, regarding  
6 the state fiscal year beginning September 1, 2010, not later than  
7 March 1, 2010.

8 SECTION 8. If before implementing any provision of this Act  
9 a state agency determines that a waiver or authorization from a  
10 federal agency is necessary for implementation of that provision,  
11 the agency affected by the provision shall request the waiver or  
12 authorization and may delay implementing that provision until the  
13 waiver or authorization is granted.

14 SECTION 9. (a) Except as provided by Subsection (b) of this  
15 section, this Act takes effect January 1, 2010.

16 (b) This Act takes effect only if the constitutional  
17 amendment proposed by the 81st Legislature, Regular Session, 2009,  
18 to ensure that this state receives the maximum federal funding  
19 available under the child health plan program is approved by the  
20 voters. If that amendment is not approved by the voters, this Act  
21 has no effect.