

BILL ANALYSIS

H.B. 335
By: Shelton
State Sovereignty, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the state's response to federal mandates within the recently enacted federal Patient Protection and Affordable Care Act must be proactive in order to protect the state's health care system. H.B. 335 seeks to create a method of reporting by state agencies to the Legislative Budget Board relating to the implementation and requirements of federal health care reform laws that will provide government transparency and better inform citizens of the impact of those laws.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 335 amends the Government Code to require a state agency to submit a report to the Legislative Budget Board of an expenditure incurred in implementing a provision of a federal health care reform law if the provision requires a person to purchase health insurance or similar health coverage, requires an employer to provide health insurance or similar health coverage to or for employees, imposes a penalty on an employer who does not provide health insurance or similar health coverage to or for employees, expands eligibility for the state Medicaid program or state child health plan program, creates a health insurance coverage mandate affecting a person, or creates a new health insurance or similar health coverage program that is administered by the state or a political subdivision of the state or if the board, in the exercise of the board's duties, determines that a report about the expenditure is necessary to a comprehensive and continuing review of a program or operation of a state agency. The bill prohibits a state agency from implementing such a provision of a federal health care reform law unless the agency submits the required report to the board. The bill requires the report to cite the specific federal statute or regulation that requires the state to implement the provision; state whether the provision requires or allows a state waiver or option; describe the state action required to implement the provision; identify the individuals, legal entities, and state agencies that may be impacted by the implementation of or refusal to implement the provision; estimate the cost to be incurred by the state to implement the provision; and describe the consequences that may be imposed on the state for refusing to implement the provision. The bill provides for the meaning of "state agency" by reference.

EFFECTIVE DATE

September 1, 2011.