

BILL ANALYSIS

S.B. 420
By: Deuell
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Observers note that the statutes are not clear regarding the method a county should use in determining the eligibility of sponsored aliens for indigent health care. They further note that wages and resources of a person who executed an affidavit of support on behalf of a sponsored alien are not always taken into account when determining such eligibility, which can lead to a sponsored alien receiving county-funded health care when the person who executed an affidavit of support has the resources to pay for the care. S.B. 420 seeks to clarify this ambiguity by allowing a county to include the assets and income of the person who executed an affidavit of support on behalf of a sponsored alien and the assets and income of the person's spouse when determining eligibility for the sponsored alien under the Indigent Health Care and Treatment Act.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

ANALYSIS

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

S.B. 420 amends the Health and Safety Code to require the Department of State Health Services (DSHS) by rule to provide that, in determining eligibility under the Indigent Health Care and Treatment Act and if an applicant is a sponsored alien, a county is authorized to include in the income and resources of the applicant the income and resources of a person who executed an affidavit of support on behalf of the applicant and the income and resources of the spouse of a person who executed an affidavit of support on behalf of the applicant, if applicable. The bill defines "sponsored alien."

S.B. 420 exempts DSHS eligibility rules under the Indigent Health Care and Treatment Act relating to an applicant who is a sponsored alien from provisions prohibiting DSHS from adopting a standard or procedure that is more restrictive than the Temporary Assistance for Needy Families program or procedures.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.