

1-1 By: Shelton, et al. (Senate Sponsor - Birdwell) H.B. No. 335
1-2 (In the Senate - Received from the House May 13, 2011;
1-3 May 16, 2011, read first time and referred to Committee on Health
1-4 and Human Services; May 20, 2011, reported favorably by the
1-5 following vote: Yeas 5, Nays 4; May 20, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to implementation and requirements of certain health care
1-9 reform laws.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 322, Government Code, is amended by
1-12 adding Section 322.021 to read as follows:

1-13 Sec. 322.021. MANDATORY HEALTH CARE REFORM REPORTS FROM
1-14 STATE AGENCIES. (a) In this section, "state agency" has the
1-15 meaning assigned by Section 2056.001.

1-16 (b) A state agency may not implement a provision of a
1-17 federal health care reform law described by Subsection (c) unless
1-18 the state agency submits a report described by Subsection (d) to:

1-19 (1) the board;

1-20 (2) the governor;

1-21 (3) the lieutenant governor;

1-22 (4) the speaker of the house of representatives; and

1-23 (5) the appropriate standing legislative committees
1-24 having jurisdiction over issues relating to health care reform.

1-25 (c) A state agency must submit a report described by
1-26 Subsection (d) of an expenditure incurred in implementing a
1-27 provision of a federal health care reform law if:

1-28 (1) the provision:

1-29 (A) requires a person to purchase health
1-30 insurance or similar health coverage;

1-31 (B) requires an employer to provide health
1-32 insurance or similar health coverage to or for employees;

1-33 (C) imposes a penalty on an employer who does not
1-34 provide health insurance or similar health coverage to or for
1-35 employees;

1-36 (D) expands eligibility for the state Medicaid
1-37 program or state child health plan program;

1-38 (E) creates a health insurance coverage mandate
1-39 affecting a person; or

1-40 (F) creates a new health insurance or similar
1-41 health coverage program that is administered by this state or a
1-42 political subdivision of this state; or

1-43 (2) the board, in the exercise of the board's duties
1-44 under this chapter, determines that a report about the expenditure
1-45 is necessary to a comprehensive and continuing review of a program
1-46 or operation of a state agency.

1-47 (d) A report required under Subsection (b) must:

1-48 (1) cite the specific federal statute or regulation
1-49 that requires the state to implement the provision;

1-50 (2) state whether the provision requires or allows a
1-51 state waiver or option;

1-52 (3) describe the state action required to implement
1-53 the provision;

1-54 (4) identify the individuals, legal entities, and
1-55 state agencies that may be impacted by the implementation of or
1-56 refusal to implement the provision; and

1-57 (5) estimate the cost to be incurred by the state to
1-58 implement the provision.

1-59 SECTION 2. This Act takes effect September 1, 2011.

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