

By: Rodriguez

H.B. No. 1138

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the expansion of the Women's Health Program
3 demonstration project and implementation of related outreach
4 activities.

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

6 SECTION 1. The heading to Section 32.0248, Human Resources
7 Code, is amended to read as follows:

8 Sec. 32.0248. DEMONSTRATION PROJECT FOR PREVENTIVE
9 ~~[WOMEN'S]~~ HEALTH ~~[CARE]~~ SERVICES.

10 SECTION 2. Section 32.0248, Human Resources Code, is
11 amended by amending Subsections (a), (b), (c), (e), (g), and (i) and
12 adding Subsections (b-1) and (b-2) to read as follows:

13 (a) The department shall operate ~~[establish]~~ a ~~[five-year]~~
14 demonstration project through the medical assistance program to
15 expand access to preventive health and family planning services
16 ~~[for women]~~. A person ~~[woman]~~ eligible ~~[under Subsection (b)]~~ to
17 participate in the demonstration project may receive appropriate
18 preventive health and family planning services, including:

- 19 (1) medical history recording and evaluation;
20 (2) physical examinations;
21 (3) health screenings, including screening for:
22 (A) diabetes;
23 (B) cervical cancer;
24 (C) breast cancer;

1 (D) sexually transmitted diseases;

2 (E) hypertension;

3 (F) cholesterol; and

4 (G) tuberculosis;

5 (4) counseling and education on contraceptive methods
6 emphasizing the health benefits of abstinence from sexual activity
7 to recipients who are not married, except for counseling and
8 education regarding emergency contraception;

9 (5) provision of contraceptives, except for the
10 provision of emergency contraception;

11 (6) risk assessment; and

12 (7) referral of medical problems to appropriate
13 providers that are entities or organizations that do not perform or
14 promote elective abortions or contract or affiliate with entities
15 that perform or promote elective abortions.

16 (b) A person [~~woman~~] is eligible to participate in the
17 demonstration project if the person [~~woman is at least 18 years of~~
18 ~~age and~~]:

19 (1) has a net family income that is at or below 185
20 percent of the federal poverty level and:

21 (A) is at least 18 years of age; or

22 (B) is younger than 18 years of age and has given
23 birth while receiving benefits under the medical assistance
24 program;

25 (2) is a woman who is at least 18 years of age and
26 participates in or receives benefits under any of the following:

27 (A) the medical assistance program;

1 (B) the financial assistance program under
2 Chapter 31;

3 (C) the nutritional assistance program under
4 Chapter 33;

5 (D) the Supplemental Food Program for Women,
6 Infants and Children; or

7 (E) another program administered by the state
8 that:

9 (i) requires documentation of income; and

10 (ii) restricts eligibility to persons with
11 income equal to or less than the income eligibility guidelines
12 applicable to the medical assistance program;

13 (3) is a woman who is at least 18 years of age and is
14 presumed eligible for one of the programs listed in Subdivision (2)
15 pending completion of that program's eligibility process; ~~or~~

16 (4) is a woman who is at least 18 years of age and is a
17 member of a family that contains at least one person who
18 participates in or receives benefits under one of the programs
19 listed in Subdivision (2); or

20 (5) is a woman who is not pregnant but who, if she were
21 to become pregnant, would have a net family income on the birth of
22 the child that is at or below 185 percent of the federal poverty
23 level.

24 (b-1) The department shall identify women potentially
25 eligible for participation in the demonstration project following
26 pregnancies for which the women received benefits through the
27 medical assistance program and assist those women in establishing

1 eligibility for the demonstration project immediately after their
2 eligibility for postpartum coverage under the medical assistance
3 program terminates.

4 (b-2) The department shall modify any applicable
5 administrative procedures to ensure that to the extent possible a
6 woman described by Subsection (b-1) maintains continuous
7 eligibility for any services provided by both the medical
8 assistance program and the demonstration project during the
9 transition from participation in the medical assistance program to
10 participation in the demonstration project.

11 (c) The department shall ensure that the standards of care
12 provided to a person [~~woman~~] participating in the demonstration
13 project are consistent with the requirements of law and current
14 best practices for provision of public health services.

15 (e) The department shall compile a list of potential funding
16 sources a person [~~woman~~] participating in the demonstration project
17 may be able to use to help pay for treatment for health problems:

18 (1) identified using services provided under the
19 demonstration project; and

20 (2) for which the person [~~woman~~] is not eligible to
21 receive treatment under the medical assistance program or the
22 demonstration project.

23 (g) Not later than December 1 of each even-numbered year,
24 the department shall submit a report to the legislature regarding
25 the department's operation of [~~progress in establishing and~~
26 ~~operating~~] the demonstration project.

27 (i) This section expires September 1, 2014 [~~2011~~].

1 SECTION 3. Subchapter B, Chapter 32, Human Resources Code,
2 is amended by adding Section 32.02481 to read as follows:

3 Sec. 32.02481. PREVENTIVE HEALTH PROGRAM OUTREACH. (a) In
4 this section, "preventive health and family planning program" means
5 the demonstration project established under Section 32.0248.

6 (b) The department shall develop and implement an outreach
7 program to assist women described by Section 32.0248(b-1) in
8 establishing eligibility for the preventive health and family
9 planning program. As part of the outreach program, the department
10 shall:

11 (1) perform an initial screening to determine
12 eligibility for the preventive health and family planning program;
13 and

14 (2) ensure that a woman described by Section
15 32.0248(b-1) receives information regarding benefits available
16 through the preventive health and family planning program,
17 notification of potential eligibility, an application form for the
18 preventive health and family planning program, information on where
19 and how to receive application assistance, and a list, updated on a
20 quarterly basis, of preventive health and family planning program
21 providers in the woman's county of residence.

22 (c) Information required under Subsection (b)(2) may be
23 included in other mailings regularly sent to recipients, including
24 a letter informing a recipient of the recipient's eligibility for
25 medical assistance.

26 (d) A hospital or health plan participating in the outreach
27 program that contracts with an entity that provides information and

1 services to participants in the medical assistance program may
2 modify the information and services provided by that entity to
3 ensure that potentially eligible women are provided the information
4 and services required under this section.

5 (e) The outreach program must include monitoring,
6 evaluation, and reporting. The department shall use information
7 provided by hospitals or health plans participating in the outreach
8 program to report to the legislature regarding:

9 (1) the costs and benefits of establishing the
10 outreach program; and

11 (2) problems encountered during the implementation
12 and operation of the outreach program and recommendations for
13 solutions.

14 SECTION 4. The change in law made by this Act applies to a
15 person who receives medical assistance under Chapter 32, Human
16 Resources Code, on or after the effective date of this Act,
17 regardless of the date on which eligibility for the medical
18 assistance was determined.

19 SECTION 5. If before implementing Section 32.0248, Human
20 Resources Code, as amended by this Act, a state agency determines
21 that an amendment to the existing waiver or other authorization is
22 necessary to extend the operation and scope of the demonstration
23 project under that section as amended, the agency affected by the
24 provision shall request the amendment to the waiver or other
25 authorization and may delay implementing that section until the
26 amendment or other authorization is granted.

27 SECTION 6. This Act takes effect August 31, 2011.