

By: Hernandez Luna

H.B. No. 1468

A BILL TO BE ENTITLED

AN ACT

relating to the child health plan program.

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

SECTION 1. Section 62.002(2), Health and Safety Code, is amended to read as follows:

(2) "Executive commissioner" or "commissioner [~~Commissioner~~]" means the executive commissioner of the Health [~~health~~] and Human Services Commission [~~human services~~].

SECTION 2. Section 62.101(b), Health and Safety Code, is amended to read as follows:

(b) The commission shall establish income eligibility levels consistent with Title XXI, Social Security Act (42 U.S.C. Section 1397aa et seq.), as amended, and any other applicable law or regulations, and subject to the availability of appropriated money, so that a child who is younger than 19 years of age and whose net family income is at or below 300 [~~200~~] percent of the federal poverty level is eligible for health benefits coverage under the program. In addition, the commission may establish eligibility standards regarding the amount and types of allowable assets for a family whose net family income is above 250 [~~150~~] percent of the federal poverty level.

SECTION 3. Sections 62.102(b) and (c), Health and Safety Code, are amended to read as follows:

(b) During the sixth month following the date of initial

1 enrollment or reenrollment of an individual whose net family income
2 exceeds 285 [~~185~~] percent of the federal poverty level, the
3 commission shall:

4 (1) review the individual's net family income and may
5 use electronic technology if available and appropriate; and

6 (2) continue to provide coverage if the individual's
7 net family income does not exceed the income eligibility limits
8 prescribed by Section 62.101 [~~this chapter~~].

9 (c) If, during the review required under Subsection (b), the
10 commission determines that the individual's net family income
11 exceeds the income eligibility limits prescribed by Section 62.101
12 [~~this chapter~~], the commission may not disenroll the individual
13 until:

14 (1) the commission has provided the family an
15 opportunity to demonstrate that the family's net family income is
16 within the income eligibility limits prescribed by Section 62.101
17 [~~this chapter~~]; and

18 (2) the family fails to demonstrate such eligibility.

19 SECTION 4. Section 62.153, Health and Safety Code, is
20 amended by amending Subsections (a) and (c) and adding Subsections
21 (a-1) and (a-2) to read as follows:

22 (a) To the extent permitted under 42 U.S.C. Section 1397cc,
23 as amended, and any other applicable law or regulations, the
24 commission shall require enrollees whose net family incomes are at
25 or below 200 percent of the federal poverty level to share the cost
26 of the child health plan, including provisions requiring enrollees
27 under the child health plan to pay:

- 1 (1) a copayment for services provided under the plan;
- 2 (2) an enrollment fee; or
- 3 (3) a portion of the plan premium.

4 (a-1) The commission shall require enrollees whose net
5 family incomes are greater than 200 percent but not greater than 300
6 percent of the federal poverty level to pay a share of the cost of
7 the child health plan through copayments, fees, and a portion of the
8 plan premium. The amount of the share required to be paid must:

9 (1) exceed the amount required to be paid by enrollees
10 described by Subsection (a), but the total amount required to be
11 paid may not exceed five percent of an enrollee's net family income;
12 and

13 (2) increase incrementally, as determined by the
14 commission, as an enrollee's net family income increases.

15 (a-2) In establishing the cost required to be paid by an
16 enrollee described by Subsection (a-1) as a portion of the plan
17 premium, the commission shall ensure that the cost progressively
18 increases as the number of children in the enrollee's family
19 provided coverage increases.

20 (c) The [~~If cost-sharing provisions imposed under~~
21 ~~Subsection (a) include requirements that enrollees pay a portion of~~
22 ~~the plan premium, the~~] commission shall specify the manner of
23 payment for any portion of the plan premium required to be paid by
24 an enrollee under this section [~~in which the premium is paid~~]. The
25 commission may require that the premium be paid to the [~~Texas~~
26 ~~Department of~~] Health and Human Services Commission, the [~~Texas~~
27 Department of State Health [~~Human~~] Services, or the health plan

1 provider. The commission shall develop an option for an enrollee to
2 pay monthly premiums using direct debits to bank accounts or credit
3 cards.

4 SECTION 5. Chapter 62, Health and Safety Code, is amended by
5 adding Subchapter F to read as follows:

6 SUBCHAPTER F. BUY-IN OPTION

7 Sec. 62.251. BUY-IN OPTION FOR CERTAIN CHILDREN. The
8 executive commissioner shall develop and implement a buy-in option
9 in accordance with this subchapter under which children whose net
10 family incomes exceed 300 percent of the federal poverty level are
11 eligible to purchase health benefits coverage available under the
12 child health plan program.

13 Sec. 62.252. RULES; ELIGIBILITY AND COST-SHARING. (a) The
14 executive commissioner shall adopt rules in accordance with federal
15 law that apply to a child for whom health benefits coverage is
16 purchased under this subchapter. The rules must:

17 (1) establish eligibility requirements;
18 (2) ensure that premiums:
19 (A) are based on the average cost per child of all
20 children enrolled in the child health plan program; and

21 (B) progressively increase as the number of
22 children in the enrollee's family provided coverage increases;

23 (3) require payment of 100 percent of health benefits
24 plan premiums, fees to offset administrative costs incurred under
25 this subchapter, and additional deductibles, coinsurance, or other
26 cost-sharing payments as determined by the executive commissioner;

27 (4) provide for a waiting period as determined by the

1 executive commissioner; and

2 (5) include an option for an enrollee to pay monthly
3 premiums using direct debits to bank accounts or credit cards.

4 (b) Notwithstanding any other provision of this chapter,
5 the executive commissioner may establish rules and procedures for
6 children for whom health benefits coverage is purchased under this
7 subchapter that differ from the rules and procedures generally
8 applicable to the child health plan program.

9 Sec. 62.253. CROWD-OUT. To the extent allowed by federal
10 law, the buy-in option developed under this subchapter must include
11 provisions designed to discourage:

12 (1) employers and other persons from electing to
13 discontinue offering health benefits plan coverage for employees'
14 children under employee or other group health benefits plans; and

15 (2) individuals with access to adequate health
16 benefits plan coverage for their children from electing not to
17 obtain, or to discontinue, that coverage.

18 SECTION 6. Not later than January 1, 2012, the executive
19 commissioner of the Health and Human Services Commission shall
20 adopt rules as necessary to implement Subchapter F, Chapter 62,
21 Health and Safety Code, as added by this Act.

22 SECTION 7. If before implementing any provision of this Act
23 a state agency determines that a waiver or authorization from a
24 federal agency is necessary for implementation of that provision,
25 the agency affected by the provision shall request the waiver or
26 authorization and may delay implementing that provision until the
27 waiver or authorization is granted.

1 SECTION 8. This Act takes effect September 1, 2011.