

By: Marquez

H.B. No. 2474

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for and administration of the child health plan program.

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

SECTION 1. Sections 62.002(2) and (4), Health and Safety Code, are 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~~].

(4) "Net family income" means the amount of income established for a family after reduction for offsets for expenses such as child care and work-related expenses, in accordance with standards applicable under the Medicaid program.

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~~

1 ~~family whose net family income is above 150 percent of the federal~~
2 ~~poverty level.]~~

3 SECTION 3. Section 62.102(a), Health and Safety Code, is
4 amended to read as follows:

5 (a) The ~~[Subject to a review under Subsection (b), the]~~
6 commission shall provide that an individual who is determined to be
7 eligible for coverage under the child health plan remains eligible
8 for those benefits until the earlier of:

9 (1) the end of a period not to exceed 12 months,
10 beginning the first day of the month following the date of the
11 eligibility determination; or

12 (2) the individual's 19th birthday.

13 SECTION 4. Section 62.151(b), Health and Safety Code, is
14 amended to read as follows:

15 (b) In developing the covered benefits, the commission
16 shall consider the health care needs of healthy children and
17 children with special health care needs. The child health plan must
18 provide at least the covered benefits described by the recommended
19 benefits package described for a state-designed child health plan
20 by the Texas House of Representatives Committee on Public Health
21 "CHIP" Interim Report to the Seventy-Sixth Texas Legislature dated
22 December 1998 and the Senate Interim Committee on Children's Health
23 Insurance Report to the Seventy-Sixth Texas Legislature dated
24 December 1, 1998. The child health plan must include at least the
25 covered benefits provided under the plan on June 1, 2003.

26 SECTION 5. Section 62.153(b), Health and Safety Code, is
27 amended to read as follows:

1 (b) Cost-sharing [~~Subject to Subsection (d), cost-sharing~~]
2 provisions adopted under this section shall ensure that families
3 with higher levels of income are required to pay progressively
4 higher percentages of the cost of the plan.

5 SECTION 6. Sections 62.155(c) and (d), Health and Safety
6 Code, are amended to read as follows:

7 (c) In selecting a health plan provider, the commission:

8 (1) may give preference to a person who provides
9 similar coverage under the Medicaid program; and

10 (2) shall provide for a choice of at least two health
11 plan providers in each metropolitan [~~service~~] area.

12 (d) The commissioner may authorize an exception to
13 Subsection (c)(2) if there is only one acceptable applicant to
14 become a health plan provider in the metropolitan [~~service~~] area.

15 SECTION 7. Chapter 62, Health and Safety Code, is amended by
16 adding Subchapter E to read as follows:

17 SUBCHAPTER E. BUY-IN OPTION

18 Sec. 62.201. BUY-IN OPTION FOR CERTAIN CHILDREN. The
19 executive commissioner shall develop and implement a buy-in option
20 in accordance with this subchapter under which children whose net
21 family incomes exceed 300 percent of the federal poverty level, but
22 do not exceed 400 percent of the federal poverty level, are eligible
23 to purchase health benefits coverage available under the child
24 health plan program.

25 Sec. 62.202. RULES; ELIGIBILITY AND COST-SHARING. (a) The
26 executive commissioner shall adopt rules in accordance with federal
27 law that apply to a child for whom health benefits coverage is

1 purchased under this subchapter. The rules must:

2 (1) establish eligibility requirements;

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

8 (3) provide for a waiting period comparable to the
9 waiting period required under Section 62.154(d).

10 (b) Notwithstanding any other provision of this chapter,
11 the executive commissioner may establish rules and procedures for
12 children for whom health benefits coverage is purchased under this
13 subchapter that differ from the rules and procedures generally
14 applicable to the child health plan program.

15 Sec. 62.203. CROWD-OUT. To the extent allowed by federal
16 law, the buy-in option developed under this subchapter must include
17 provisions designed to discourage:

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

21 (2) individuals with access to adequate health
22 benefits plan coverage for their children through an
23 employer-sponsored group health benefits plan, as determined by the
24 executive commissioner, from electing not to obtain, or to
25 discontinue, that coverage.

26 SECTION 8. Sections 62.101(b-1), 62.102(b) and (c),
27 62.151(f), and 62.153(d), Health and Safety Code, are repealed.

1 SECTION 9. Not later than November 1, 2012, the executive
2 commissioner of the Health and Human Services Commission shall
3 adopt rules as necessary to implement Subchapter E, Chapter 62,
4 Health and Safety Code, as added by this Act.

5 SECTION 10. If before implementing any provision of this
6 Act a state agency determines that a waiver or authorization from a
7 federal agency is necessary for implementation of that provision,
8 the agency affected by the provision shall request the waiver or
9 authorization and may delay implementing that provision until the
10 waiver or authorization is granted.

11 SECTION 11. This Act takes effect September 1, 2011.