

By: Deuell

S.B. No. 1854

A BILL TO BE ENTITLED

AN ACT

relating to the women's health program.

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

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

Sec. 32.0248. [~~DEMONSTRATION PROJECT FOR~~] WOMEN'S HEALTH PROGRAM [~~CARE SERVICES~~]. (a) In this section:

(1) "Family planning" means establishing objectives for the number and spacing of a person's children and selecting from the following methods to limit or enhance fertility to achieve those objectives:

(A) abstinence;

(B) contraception; and

(C) adoption.

(2) "Prenatal care" means medical services provided to a pregnant woman to promote maternal and fetal health.

(3) "Program" means the women's health program provided under this section.

(a-1) The department shall provide [~~establish~~] a women's health program [~~five-year demonstration project~~] through the medical assistance program to expand access to comprehensive primary and preventive health care and family planning services for women. A woman eligible under Subsection (b) to participate in the program [~~demonstration project~~] may receive appropriate

1 comprehensive primary and preventive health care and family  
2 planning services, including:

3 (1) medical history recording and evaluation;

4 (2) physical examinations;

5 (3) health screenings, including screening for:

6 (A) diabetes;

7 (B) cervical cancer;

8 (C) breast cancer;

9 (D) sexually transmitted diseases;

10 (E) hypertension;

11 (F) cholesterol; and

12 (G) tuberculosis;

13 (4) counseling and education on contraceptive methods  
14 emphasizing the health benefits of abstinence from sexual activity  
15 to recipients who are not married, except for counseling and  
16 education regarding emergency contraception;

17 (5) provision of contraceptives, except for the  
18 provision of emergency contraception;

19 (6) risk assessment; ~~and~~

20 (7) referral of medical problems to appropriate  
21 providers that are entities or organizations that do not perform or  
22 promote elective abortions or contract or affiliate with entities  
23 that perform or promote elective abortions; and

24 (8) prenatal care.

25 (b) A woman is eligible to participate in the program  
26 ~~[demonstration project]~~ if the woman is at least 18 years of age  
27 and:

1           (1) has a net family income that is at or below 185  
2 percent of the federal poverty level;

3           (2) participates in or receives benefits under any of  
4 the following:

5                   (A) the medical assistance program;

6                   (B) the financial assistance program under  
7 Chapter 31;

8                   (C) the nutritional assistance program under  
9 Chapter 33;

10                  (D) the Supplemental Food Program for Women,  
11 Infants and Children; or

12                  (E) another program administered by the state  
13 that:

14                           (i) requires documentation of income; and

15                           (ii) restricts eligibility to persons with  
16 income equal to or less than the income eligibility guidelines  
17 applicable to the medical assistance program;

18           (3) is presumed eligible for one of the programs  
19 listed in Subdivision (2) pending completion of that program's  
20 eligibility process; or

21           (4) is a member of a family that contains at least one  
22 person who participates in or receives benefits under one of the  
23 programs listed in Subdivision (2).

24           (c) The department shall ensure that the standards of care  
25 provided to a woman participating in the program [~~demonstration~~  
26 ~~project~~] are consistent with the requirements of law and current  
27 best practices for provision of public health services.

1           (d) The department shall develop procedures for determining  
2 and certifying eligibility for services under the program  
3 [~~demonstration project~~] at the point of service delivery using  
4 integrated procedures that minimize duplication of effort by  
5 providers, the department, and other state agencies. The  
6 department may not use a procedure that would require a cost in  
7 excess of 10 percent of the total costs of actual comprehensive  
8 primary and preventive health care and family planning services  
9 provided under the program [~~demonstration project~~]. The  
10 eligibility procedure may provide for expedited determination and  
11 certification using a simplified form requiring only family income  
12 and family size.

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

17                 (1) identified using services provided under the  
18 program [~~demonstration project~~]; and

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

22           (f) Providers of services under the program [~~demonstration~~  
23 ~~project~~] shall comply with requests made by the department for  
24 information necessary for the department to:

25                 (1) make efficient use of money spent for the  
26 operation and administration of the program [~~demonstration~~  
27 ~~project~~];

1           (2) report and provide information required by federal  
2 law; and

3           (3) compile the report required by Subsection (g).

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

8           (h) The department shall ensure the money spent under the  
9 program [~~demonstration project~~], regardless of the funding source,  
10 is not used to perform or promote elective abortions. The  
11 department, for the purpose of the program [~~demonstration project~~],  
12 may not contract with entities that perform or promote elective  
13 abortions or are affiliates of entities that perform or promote  
14 elective abortions.

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

16           SECTION 2. If before implementing Section 32.0248, Human  
17 Resources Code, as amended by this Act, a state agency determines  
18 that an amendment to the existing waiver or other authorization is  
19 necessary to extend the operation of the women's health program  
20 under that section as amended, the agency affected by the provision  
21 shall request the amendment to the waiver or authorization and may  
22 delay implementing that section until the amendment or other  
23 authorization is granted.

24           SECTION 3. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

S.B. No. 1854

1 Act takes effect August 31, 2011.