

SENATE AMENDMENTS

2nd Printing

By: Davis of Dallas

H.B. No. 871

A BILL TO BE ENTITLED

1 AN ACT

2 relating to indigent health care services that may be provided by a
3 county.

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

5 SECTION 1. Section 61.0285(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) In addition to basic health care services provided under
8 Section 61.028, a county may, in accordance with department rules
9 adopted under Section 61.006, provide other medically necessary
10 services or supplies that the county determines to be
11 cost-effective, including:

- 12 (1) ambulatory surgical center services;
- 13 (2) diabetic and colostomy medical supplies and
14 equipment;
- 15 (3) durable medical equipment;
- 16 (4) home and community health care services;
- 17 (5) social work services;
- 18 (6) psychological counseling services;
- 19 (7) services provided by physician assistants, nurse
20 practitioners, certified nurse midwives, clinical nurse
21 specialists, and certified registered nurse anesthetists;
- 22 (8) dental care;
- 23 (9) vision care, including eyeglasses;
- 24 (10) services provided by federally qualified health

1 centers, as defined by 42 U.S.C. Section 1396d(1)(2)(B);

2 (11) emergency medical services; ~~and~~

3 (12) physical and occupational therapy services; and

4 (13) any other appropriate health care service
5 identified by department ~~board~~ rule that may be determined to be
6 cost-effective.

7 SECTION 2. The executive commissioner of the Health and
8 Human Services Commission shall adopt rules necessary to implement
9 Section 61.0285, Health and Safety Code, as amended by this Act, as
10 soon as practicable after the effective date of this Act.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2011.

ADOPTED

MAY 18 2011

Atty. General
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: 

1 Amend H.B. No. 871 (senate committee printing) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS accordingly:

4 SECTION _____. Section 61.038(b), Health and Safety Code, is
5 amended to read as follows:

6 (b) State funds provided under this section to a county must
7 be equal to the amount [~~at least 90 percent~~] of the actual payment
8 for the health care services for the county's eligible residents
9 during the remainder of the state fiscal year after the eight
10 percent expenditure level is reached.

11 SECTION _____. Section 61.038(b), Health and Safety Code, as
12 amended by this Act, applies beginning with the state fiscal year
13 that begins September 1, 2011.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 19, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB871 by Davis, Yvonne (Relating to indigent health care services that may be provided by a county.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 61.038(b) of the Health and Safety Code to change the state assistance reimbursement rate for eligible county health care expenditures from 90 percent to an amount equal to that of the actual payment for such services.

According to the Department of State Health Services (DSHS), the agency currently provides reimbursement at 100 percent of the actual payment up to the budgeted amount available; therefore, the only fiscal impact to DSHS would be the need to update program policy.

The bill would authorize a county to provide physical and occupational therapy if the county determines those services to be cost-effective.

The bill would require the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement Section 61.0285 of the Health and Safety Code, as amended by provisions of the bill, as soon as practicable after the effective date of the bill. The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2011.

Local Government Impact

The bill would provide increased revenues to counties which would vary depending on the amount spent by a given county on health care services described by the bill.

It is assumed that a county would implement physical and occupational therapy services if the costs could be absorbed within existing resources.

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 537 State Health Services, Department of

LBB Staff: JOB, CL, KKR, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 29, 2011

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB871 by Davis, Yvonne (Relating to indigent health care services that may be provided by a county.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to authorize a county to provide physical and occupational therapy if the county determines those services to be cost-effective.

The bill would require the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement Section 61.0285 of the Health and Safety Code, as amended by provisions of the bill, as soon as practicable after the effective date of the bill. The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2011.

Local Government Impact

It is assumed that a county would implement physical and occupational therapy services if the costs could be absorbed within existing resources.

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

BB Staff: JOB, CL, KKR, TP

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 29, 2011

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB871 by Davis, Yvonne (relating to indigent health care services that may be provided by a county.
) , **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to authorize a county to provide physical and occupational therapy if the county determines those services to be cost-effective.

The bill would require the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement Section 61.0285 of the Health and Safety Code, as amended by provisions of the bill, as soon as practicable after the effective date of the bill. The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2011.

Local Government Impact

It is assumed that a county would implement physical and occupational therapy services if the costs could be absorbed within existing resources.

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KKR, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 13, 2011

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB871 by Davis, Yvonne (Relating to indigent health care services provided by a county.),
As Introduced

No significant fiscal implication to the State is anticipated.

The bill would amend Section 61.028 of the Health and Safety Code to require a county to provide physical and occupational therapy services as part of their indigent health care services within areas not serviced by either public hospitals or hospital districts.

The executive director of the Health and Human Services Commission would be required to adopt rules necessary to implement Section 61.028 not later than December 1, 2011. A county would not be required to provide physical and occupational therapy services before January 1, 2012.

It is assumed that any costs associated with rule-making could be absorbed within existing resources.

Local Government Impact

The cost to counties would vary depending on whether a county already provides the services that would be required under the provisions of the bill and whether a public hospital or hospital district exists within the county. The level of demand for the services (number of indigent persons in need of physical or occupational therapy) would not have an effect on the fiscal impact, because to provide the services, it is assumed a county would have to have the services available regardless. Therefore, this analysis assumes that, at a minimum, a county that would be required to provide these services would have to employ one physical therapist, one occupational therapist, and possibly one support staff, plus pay for necessary equipment and supplies, and the space for a facility.

The negative fiscal impact could be significant to those counties not currently providing physical and occupational therapy and in which there is neither a public hospital nor a hospital district, or, if there is a hospital district, it covers only a portion of the county.

There would be no fiscal impact to a county that already provides the services or in which a public hospital or a hospital district is located.

Source Agencies:

LBB Staff: JOB, KKR, TP