

By: Guillen

H.B. No. 784

A BILL TO BE ENTITLED

AN ACT

relating to creating a deferred compensation plan for dentists who provide services under the Medicaid program; providing a fee.

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

SECTION 1. Section 609.001, Government Code, is amended by amending Subdivisions (2) and (2-a) and adding Subdivisions (2-b) and (3-a) to read as follows:

(2) "Employee" means:

(A) an individual who is an officer or employee of a state agency or political subdivision, as appropriate; or

(B) an independent contractor.

(2-a) "Independent contractor" means a dentist who provides services under the Medicaid program.

(2-b) "Institution of higher education" means an institution of higher education as defined by Section 61.003, Education Code.

(3-a) "Medicaid program" means the medical assistance program established under Chapter 32, Human Resources Code.

SECTION 2. Section 609.005(a), Government Code, is amended to read as follows:

(a) A deferred compensation plan is a part of an employee's compensation and is in addition to:

(1) a retirement, pension, or benefit system established by law for the benefit of employees described by

1 Section 609.001(2)(A); or
2 (2) a retirement, pension, or benefit system or other
3 deferred compensation plan in which an employee described by
4 Section 609.001(2)(B) may participate.

5 SECTION 3. Section 609.007, Government Code, is amended by
6 adding Subsection (b-1) to read as follows:

7 (b-1) The board of trustees may contract with an employee
8 described by Section 609.001(2)(B) who is participating in a
9 deferred compensation plan for the deferment of any part of the
10 compensation paid to the employee for the provision of services
11 under the Medicaid program.

12 SECTION 4. The heading to Subchapter C, Chapter 609,
13 Government Code, is amended to read as follows:

14 SUBCHAPTER C. DEFERRED COMPENSATION PLANS FOR EMPLOYEES OF STATE
15 AGENCIES AND INDEPENDENT CONTRACTORS

16 SECTION 5. The heading to Section 609.502, Government Code,
17 is amended to read as follows:

18 Sec. 609.502. CREATION OF PLANS [~~PLAN~~]; PARTICIPATION.

19 SECTION 6. Section 609.502, Government Code, is amended by
20 adding Subsection (a-1) and amending Subsections (c) and (d) to
21 read as follows:

22 (a-1) To the extent permitted under federal law, the board
23 of trustees shall administer a 457 plan under this subchapter for
24 employees described by Section 609.001(2)(B). If cost-effective,
25 the board of trustees may provide the 457 plan required by this
26 subsection under the TexaSaver program established under
27 Subsection (a).

1 (c) The board of trustees may designate a person to assist
2 in the execution of the board's authority and responsibilities as a
3 plan administrator under this subchapter.

4 (d) A state agency may participate in either or both plans
5 described by Subsection (a).

6 SECTION 7. Section 609.508, Government Code, is amended by
7 adding Subsection (a-1) to read as follows:

8 (a-1) The board of trustees shall adopt rules, including
9 plans and procedures, and orders necessary to develop and implement
10 the deferred compensation plan required under Section
11 609.502(a-1).

12 SECTION 8. Section 609.511(a), Government Code, is amended
13 to read as follows:

14 (a) The board of trustees may assess a fee against
15 participating employees or qualified vendors, or both the employees
16 and the qualified vendors, in the manner and to the extent it
17 determines necessary to cover the costs of administering a [the]
18 plan established under this subchapter.

19 SECTION 9. As soon as practicable after the effective date
20 of this Act, the board of trustees of the Employees Retirement
21 System of Texas shall develop and implement the deferred
22 compensation plan required by Section 609.502(a-1), Government
23 Code, as added by this Act.

24 SECTION 10. If before implementing any provision of this
25 Act a state agency determines that a waiver or authorization from a
26 federal agency is necessary for implementation of that provision,
27 the agency affected by the provision shall request the waiver or

1 authorization and may delay implementing that provision until the
2 waiver or authorization is granted.

3 SECTION 11. This Act takes effect September 1, 2013.