

By: Zerwas

H.B. No. 2129

A BILL TO BE ENTITLED

AN ACT

1
2 relating to information about private health care insurance
3 coverage and the health insurance exchange for individuals applying
4 for certain Department of State Health Services programs and
5 services.

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

7 SECTION 1. Subchapter D, Chapter 1001, Health and Safety
8 Code, is amended by adding Sections 1001.080 and 1001.081 to read as
9 follows:

10 Sec. 1001.080. HEALTH INSURANCE COVERAGE INFORMATION. (a)
11 In this section, "individual's legally authorized representative"
12 means:

13 (1) a parent, managing conservator, or guardian of an
14 individual, if the individual is a minor;

15 (2) a guardian of an individual, if the individual has
16 been adjudicated incompetent to manage the individual's personal
17 affairs; or

18 (3) an agent of the individual authorized under a
19 durable power of attorney for health care.

20 (b) This section applies to a health or mental health
21 program or service provided by the department or under a department
22 program that the department anticipates will be impacted by a
23 health insurance exchange as defined by Section 1001.081(a),
24 including:

- 1 (1) programs and services provided by the Texas Center
2 for Infectious Disease under Chapter 13;
- 3 (2) community primary health care services provided
4 under Chapter 31;
- 5 (3) women's and children's health services provided
6 under Chapter 32;
- 7 (4) laboratory services provided under Chapter 33;
- 8 (5) services for children with special health care
9 needs provided under Chapter 35;
- 10 (6) epilepsy program assistance provided under
11 Chapter 40;
- 12 (7) hemophilia program assistance provided under
13 Chapter 41;
- 14 (8) kidney health care services provided under Chapter
15 42;
- 16 (9) the indigent health care reimbursement program
17 provided under Chapter 61;
- 18 (10) human immunodeficiency virus infection and
19 sexually transmitted disease prevention programs and services
20 provided under Chapter 85;
- 21 (11) infectious disease prevention, epidemiology, and
22 surveillance programs and services provided under Chapter 98;
- 23 (12) immunization programs provided under Chapter
24 161;
- 25 (13) programs and services provided by the Rio Grande
26 State Center under Chapter 252;
- 27 (14) mental health services for adults provided under

1 Chapter 534;

2 (15) mental health services for children provided
3 under Chapter 534;

4 (16) community mental health crisis services provided
5 under Chapter 534;

6 (17) the NorthSTAR Behavioral Health Program provided
7 under Chapter 534;

8 (18) programs and services provided by community
9 mental health hospitals under Chapter 552;

10 (19) programs and services provided by state mental
11 health hospitals under Chapter 552; and

12 (20) any other health or mental health program or
13 service designated by the department.

14 (c) Subject to Subsection (d), the department may not
15 provide a health or mental health program or service described in
16 Subsection (b), unless the individual applying to receive the
17 program or service submits to the department on the form prescribed
18 by the department a statement by the individual or the individual's
19 legally authorized representative attesting that the individual
20 does not have access to private health care insurance coverage that
21 provides benefits for the services provided under the program or
22 service.

23 (d) The department may waive the prohibition under
24 Subsection (c) for an individual or for a mental health program or
25 service described in Subsection (b) if the department determines
26 that the program or service is necessary during a crisis or
27 emergency.

1 (e) The executive commissioner shall adopt rules necessary
2 to implement this section.

3 Sec. 1001.081. HEALTH INSURANCE EXCHANGE INFORMATION. (a)
4 In this section:

5 (1) "Health insurance exchange" means an American
6 Health Benefit Exchange administered by the federal government
7 under 42 U.S.C. Section 18041 or created under 42 U.S.C. Section
8 18031.

9 (2) "Individual's legally authorized representative"
10 has the meaning assigned by Section 1001.080(a).

11 (b) The department shall develop informational materials
12 regarding health care insurance coverage and subsidies available
13 under a health insurance exchange. The informational materials
14 must be in English and in Spanish, and to the extent possible, in
15 other languages.

16 (c) The department shall distribute the informational
17 materials developed under Subsection (b) to an individual or the
18 individual's legally authorized representative who:

19 (1) applies to receive a health or mental health
20 program or service described in Section 1001.080(b); and

21 (2) has an income above 100 percent of the federal
22 poverty level.

23 (d) The executive commissioner shall adopt rules necessary
24 to implement this section.

25 SECTION 2. As soon as practicable after the effective date
26 of this Act, the Department of State Health Services shall
27 prescribe the form required by Section 1001.080, Health and Safety

1 Code, as added by this Act.

2 SECTION 3. Not later than June 1, 2014, the Department of
3 State Health Services shall make available the informational
4 materials required by Section 1001.081, Health and Safety Code, as
5 added by this Act.

6 SECTION 4. As soon as possible after the effective date of
7 this Act, the Health and Human Services Commission shall apply for
8 any waiver or other authorization necessary to implement this Act.
9 The commission may delay implementing this Act until the waiver or
10 authorization is granted.

11 SECTION 5. 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, 2013.