

By: Goldman, Callegari

H.B. No. 2158

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the period of ineligibility from participation in the  
3 Medicaid program by providers found liable for certain unlawful  
4 acts under the program.

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

6 SECTION 1. Section 36.005, Human Resources Code, is amended  
7 by amending Subsection (b-1) and adding Subsections (b-3) and (f)  
8 to read as follows:

9 (b-1) The period of ineligibility begins on the date on  
10 which a trial court enters a judgment finding the provider liable  
11 under Section 36.052 [~~the determination that the provider is liable~~  
12 ~~becomes final~~].

13 (b-3) Notwithstanding Subsection (b-1), the period of  
14 ineligibility for a physician, a physician organization, or an  
15 individual licensed by a health care regulatory agency begins on  
16 the date on which the determination that the physician, physician  
17 organization, or individual is liable becomes final and all appeals  
18 relating to that determination are exhausted or waived.

19 (f) For purposes of Subsection (b-3):

20 (1) "Health care regulatory agency" has the meaning  
21 assigned by Section 774.001, Government Code.

22 (2) "Physician organization" means:

23 (A) a professional association composed solely  
24 of physicians;

1                   (B) a single legal entity authorized to practice  
2 medicine in this state and owned by two or more physicians;

3                   (C) a nonprofit health corporation certified  
4 under Chapter 162, Occupations Code; or

5                   (D) a partnership composed solely of physicians.

6           SECTION 2. If before implementing any provision of this Act  
7 a state agency determines that a waiver or authorization from a  
8 federal agency is necessary for implementation of that provision,  
9 the agency affected by the provision shall request the waiver or  
10 authorization and may delay implementing that provision until the  
11 waiver or authorization is granted.

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