

By: Thompson of Harris

H.B. No. 2819

A BILL TO BE ENTITLED

AN ACT

relating to establishing a demonstration project for preventative health care services, and implementation of related outreach activities.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0248 to read as follows:

Sec. 32.0248. DEMONSTRATION PROJECT FOR WOMEN'S HEALTH CARE SERVICES. (a) The department shall operate a demonstration project through the medical assistance program to expand access to preventive health and family planning services for women. A person eligible to participate in the demonstration project may receive appropriate preventive health and family planning services, including:

(1) medical history recording and evaluation;

(2) physical examinations;

(3) health screenings, including screening for:

(A) diabetes;

(B) cervical cancer;

(C) breast cancer;

(D) sexually transmitted diseases and infections;

(E) hypertension;

(F) cholesterol; and

1                   (G) tuberculosis;

2                   (4) counseling and education on contraceptive methods  
3 emphasizing the health benefits of abstinence from sexual activity  
4 to recipients who are not married;

5                   (5) provision of contraceptives; and

6                   (6) risk assessment.

7           (b) A person is eligible to participate in the demonstration  
8 project if the person:

9                   (1) has a net family income that is at or below 185  
10 percent of the federal poverty level and:

11                   (A) is at least 18 years of age; or

12                   (B) is younger than 18 years of age and has given  
13 birth while receiving benefits under the medical assistance  
14 program;

15                   (2) is a woman who is at least 18 years of age and  
16 participates in or receives benefits under any of the following:

17                   (A) the medical assistance program;

18                   (B) the financial assistance program under  
19 Chapter 31;

20                   (C) the nutritional assistance program under  
21 Chapter 33;

22                   (D) the Supplemental Food Program for Women,  
23 Infants and Children; or

24                   (E) another program administered by the state  
25 that:

26                   (i) requires documentation of income; and

27                   (ii) restricts eligibility to persons with

income equal to or less than the income eligibility guidelines applicable to the medical assistance program;

(3) is a woman who is at least 18 years of age and is presumed eligible for one of the programs listed in Subdivision (2) pending completion of that program's eligibility process; or

(4) is a woman who is at least 18 years of age and is a member of a family that contains at least one person who participates in or receives benefits under one of the programs listed in Subdivision (2)); or

(5) is a woman who is not pregnant but who, if she were to become pregnant, would have a net family income on the birth of the child that is at or below 185 percent of the federal poverty level.

(b-1) The department shall identify women potentially eligible for participation in the demonstration project following pregnancies for which the women received benefits through the medical assistance program and assist those women in establishing eligibility for the demonstration project immediately after their eligibility for postpartum coverage under the medical assistance program terminates.

(b-2) The department shall modify any applicable administrative procedures to ensure that to the extent possible a woman described by Subsection (b-1) maintains continuous eligibility for any services provided by both the medical assistance program and the demonstration project during the transition from participation in the medical assistance program to participation in the demonstration project.

1        (c) The department shall ensure that the standards of care  
2 provided to a woman participating in the demonstration project are  
3 consistent with the requirements of law and current best practices  
4 for provision of public health services.

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

16        (e) The department shall compile a list of potential funding  
17 sources a person participating in the demonstration project may be  
18 able to use to help pay for treatment for health problems:

19                (1) identified using services provided under the  
20 demonstration project; and

21                (2) for which the person is not eligible to receive  
22 treatment under the medical assistance program or the demonstration  
23 project.

24        (f) Providers of services under the demonstration project  
25 shall comply with requests made by the department for information  
26 necessary for the department to:

27                (1) make efficient use of money spent for the

operation and administration of the demonstration project;

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

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

(g) Not later than December 1 of each even-numbered year, the department shall submit a report to the legislature regarding the department's progress in establishing and operating the demonstration project; including:

(1) the number of persons receiving services under this program;

(2) the number of providers participating in this program;

(3) the geographic service areas covered by the providers; and

(4) the projected and extrapolated cost saving fiscal impact to the state.

(h) Any program under this subchapter or any medical assistance program operated or administered by the Department must comply with the requirement set forth in Section 1902(a)(23) of Title XIX of the Social Security Act and allow any person that is eligible for medical assistance to receive services from any willing provider that is qualified to perform the services needed.

SECTION 2. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.02481 to read as follows:

Sec. 32.02481. PREVENTIVE HEALTH PROGRAM OUTREACH. (a) In this section, "preventive health and family planning program" means the demonstration project established under Section 32.0248.

1       (b) The department shall develop and implement an outreach  
2 program to assist women described by Section 32.0248(b-1) in  
3 establishing eligibility for the preventive health and family  
4 planning program. As part of the outreach program, the department  
5 shall:

6               (1) perform an initial screening to determine  
7 eligibility for the preventive health and family planning program;  
8 and

9               (2) ensure that a woman described by Section  
10 32.0248(b-1) receives information regarding benefits available  
11 through the preventive health and family planning program,  
12 notification of potential eligibility, an application form for the  
13 preventive health and family planning program, information on where  
14 and how to receive application assistance, and a list, updated on a  
15 quarterly basis, of preventive health and family planning program  
16 providers in the woman's county of residence.

17       (c) Information required under Subsection (b)(2) may be  
18 included in other mailings regularly sent to recipients, including  
19 a letter informing a recipient of the recipient's eligibility for  
20 medical assistance.

21       (d) A hospital or health plan participating in the outreach  
22 program that contracts with an entity that provides information  
23 and services to participants in the medical assistance program may  
24 modify the information and services provided by that entity to  
25 ensure that potentially eligible women are provided the information  
26 and services required under this section.

27       (e) The outreach program must include monitoring,

1 evaluation, and reporting. The department shall use information  
2 provided by hospitals or health plans participating in the  
3 outreach program to report to the legislature regarding:

4 (1) the costs and benefits of establishing the  
5 outreach program; and

6 (2) problems encountered during the implementation  
7 and operation of the outreach program and recommendations for  
8 solutions.

9 SECTION 3. The change in law made by this Act applies to a  
10 person who receives medical assistance under Chapter 32, Human  
11 Resources Code, on or after the effective date of this Act,  
12 regardless of the date on which eligibility for the medical  
13 assistance was determined.

14 SECTION 4. If before implementing Section 32.0248, Human  
15 Resources Code, as amended by this Act, a state agency determines  
16 that an amendment to the existing waiver or other authorization is  
17 necessary to extend the operation and scope of the demonstration  
18 project under that section as amended, the agency affected by the  
19 provision shall request the amendment to the waiver or other  
20 authorization and may delay implementing that section until the  
21 amendment or other authorization is granted.

22 SECTION 5. If before implementing any provision of this Act  
23 a state agency determines that a waiver or authorization from a  
24 federal agency is necessary for implementation of that provision,  
25 the agency affected by the provision shall request the waiver or  
26 authorization and may delay implementing that provision until the  
27 waiver or authorization is granted.

1           SECTION 6. Not later than January 1, 2014, the state agency  
2 responsible for implementing the demonstration project required by  
3 Section 32.0248, Human Resources Code, as added by this Act, shall  
4 implement the demonstration project.

5           SECTION 7. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2013.