

By: Guerra

H.B. No. 3711

A BILL TO BE ENTITLED

AN ACT

relating to imposing an uncompensated care fee on certain hospitals to provide state funding for the Medicaid program.

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

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

SUBCHAPTER G. HOSPITAL UNCOMPENSATED CARE FEE

Sec. 32.301. DEFINITIONS. In this subchapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(3) "Gross receipts" means money paid to a hospital as compensation for services provided to patients. The term does not include charitable contributions to a hospital.

Sec. 32.302. UNCOMPENSATED CARE FEE REQUIRED. (a) A uncompensated care fee is imposed on each hospital in this state that is required to obtain a license under Chapter 241, Health and Safety Code. The fee is:

(1) equal to the daily uncompensated care fee amount established under Subsection (b) multiplied by the number of patient days for a month as determined in accordance with Section 32.303; and

(2) payable monthly.

1 (b) The commission shall set the daily uncompensated care
2 fee in the amount necessary to produce annual revenues equal to an
3 amount that is not more than six percent of the hospital's total
4 annual gross receipts in this state. The amount of the daily fee:

5 (1) must be determined using patient days and gross
6 receipts reported to the commission and covering a period of at
7 least six months; and

8 (2) is subject to a prospective adjustment as
9 necessary.

10 (c) The uncompensated care fee is an allowable cost for
11 reimbursement under the Medicaid program.

12 Sec. 32.303. PATIENT DAYS. A hospital shall determine the
13 number of patient days for each calendar day. The number of patient
14 days for a calendar day is equal to the number of patients occupying
15 a bed at the hospital immediately before midnight of that day.

16 Sec. 32.304. REPORTING AND COLLECTION. (a) The commission
17 shall collect the uncompensated care fee.

18 (b) Each hospital shall:

19 (1) not later than the 20th day after the last day of
20 each month file a report with the commission stating the total
21 patient days for the month; and

22 (2) not later than the 30th day after the last day of
23 the month pay the uncompensated care fee.

24 Sec. 32.305. ALLOCATION. (a) The commission shall remit
25 to the comptroller the uncompensated care fees paid to the
26 commission under this subchapter. The comptroller shall deposit
27 the remittances to the credit of the hospital uncompensated care

1 account.

2 (b) The hospital uncompensated care account is an account in
3 the general revenue fund. Money in the account may be appropriated
4 only for expenditures that are allowable costs for purposes of
5 obtaining federal matching money under the medical assistance
6 program, including expenditures for increased medical assistance
7 reimbursements to hospitals that provide high-quality inpatient
8 services under the medical assistance program.

9 (c) The hospital uncompensated care account is exempt from
10 the application of Section 403.095, Government Code. Interest
11 earned on money in the account shall be credited to the account.

12 Sec. 32.306. RULES. (a) The executive commissioner shall
13 adopt rules for the administration of this subchapter, including
14 rules related to the imposition and collection of the uncompensated
15 care fee.

16 (b) The executive commissioner may not adopt rules granting
17 exceptions from the uncompensated care fee.

18 Sec. 32.307. ENFORCEMENT. A hospital that fails to pay the
19 uncompensated care fee is ineligible to participate as a medical
20 assistance provider or receive medical assistance reimbursement
21 for the provision of services.

22 SECTION 2. The executive commissioner of the Health and
23 Human Services Commission shall adopt rules for the administration
24 of Subchapter G, Chapter 32, Human Resources Code, as added by this
25 Act, not later than November 1, 2013. The rules must specify the
26 month for which the initial uncompensated care fee will be imposed
27 under that subchapter.

1 SECTION 3. If before implementing any provision of this Act
2 a state agency determines that a waiver or authorization from a
3 federal agency is necessary for implementation of that provision,
4 the agency affected by the provision shall request the waiver or
5 authorization and may delay implementing that provision until the
6 waiver or authorization is granted.

7 SECTION 4. This Act takes effect September 1, 2013.