

By: Zaffirini

S.B. No. 1607

A BILL TO BE ENTITLED

AN ACT

1
2 relating to funding for emergency medical air transportation
3 provided to patients enrolled in the state Medicaid program;
4 imposing a surcharge.

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

6 SECTION 1. Chapter 773, Health and Safety Code, is amended
7 by adding Subchapter I to read as follows:

8 SUBCHAPTER I. EMERGENCY MEDICAL AIR TRANSPORTATION FUNDING

9 Sec. 773.251. EMERGENCY MEDICAL AIR TRANSPORTATION
10 ACCOUNT. (a) The emergency medical air transportation account is
11 established as a dedicated account in the general revenue fund. The
12 account is composed of:

13 (1) money deposited to the credit of the account
14 derived from court costs imposed under Article 102.021, Code of
15 Criminal Procedure; and

16 (2) interest earned on the investment of money in the
17 account and depository interest allocable to the account.

18 (b) Money in the emergency medical air transportation
19 account may be appropriated only to the Health and Human Services
20 Commission to provide reimbursements under the medical assistance
21 program under Chapter 32, Human Resources Code, to providers of
22 emergency medical air transportation services, regardless of
23 whether federal Medicaid matching funds are available for that
24 medical assistance.

1 (c) The emergency medical air transportation account is
2 exempt from the application of Section 403.095. Interest earned on
3 money in the account shall be credited to the account.

4 Sec. 773.252. RULES. (a) The executive commissioner shall
5 adopt rules to implement this subchapter.

6 (b) In adopting rules under this section, the executive
7 commissioner shall consult and collaborate with emergency medical
8 air transportation providers in this state to determine the
9 appropriate methodology to distribute money in the emergency
10 medical air transportation account to those entities.

11 Sec. 773.253. FEDERAL FUNDING AND WAIVERS. (a) The
12 executive commissioner shall take all necessary actions to receive
13 the greatest amount of federal financial participation for the
14 payments under this subchapter, including using the money in the
15 emergency medical air transportation account paid to emergency
16 medical air transportation service providers through the medical
17 assistance program under Chapter 32, Human Resources Code, to
18 obtain additional federal matching funds.

19 (b) The executive commissioner shall seek any federal
20 approvals or waivers necessary to implement this subchapter,
21 including by submitting any necessary Medicaid state plan
22 amendments, but may not delay implementation of this subchapter
23 because an approval or waiver has not been granted.

24 SECTION 2. Subchapter A, Chapter 102, Code of Criminal
25 Procedure, is amended by adding Article 102.021 to read as follows:

26 Art. 102.021. COSTS ON CONVICTION TO FUND EMERGENCY MEDICAL
27 AIR TRANSPORTATION SERVICES. (a) In this article, "moving

1 violation" means an offense that:

2 (1) involves the operation of a motor vehicle; and

3 (2) is classified as a moving violation by the
4 Department of Public Safety under Section 708.052, Transportation
5 Code.

6 (b) A defendant convicted of a moving violation in a justice
7 court, county court, county court at law, or municipal court shall
8 pay a \$5 surcharge as a cost of court.

9 (c) In this article, a person is considered convicted if:

10 (1) a sentence is imposed on the person;

11 (2) the person receives community supervision,
12 including deferred adjudication; or

13 (3) the court defers final disposition of the person's
14 case.

15 (d) The clerks of the respective courts shall collect the
16 costs described by this article. The clerk shall keep separate
17 records of the funds collected as costs under this article and shall
18 deposit the funds in the county or municipal treasury, as
19 appropriate.

20 (e) The custodian of a county or municipal treasury shall:

21 (1) keep records of the amount of funds on deposit
22 collected under this article; and

23 (2) send to the comptroller before the last day of the
24 first month following each calendar quarter the funds collected
25 under this article during the preceding quarter.

26 (f) If no funds due as costs under this article are
27 deposited in a county or municipal treasury in a calendar quarter,

1 the custodian of the treasury shall file the report required for the
2 quarter in the regular manner and must state that no funds were
3 collected.

4 (g) The comptroller shall deposit the funds received under
5 this article to the credit of the emergency medical air
6 transportation account under Section 773.251, Health and Safety
7 Code.

8 SECTION 3. Subchapter D, Chapter 102, Government Code, is
9 amended by adding Section 102.0611 to read as follows:

10 Sec. 102.0611. EMERGENCY MEDICAL AIR TRANSPORTATION
11 ACCOUNT SURCHARGE ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF
12 CRIMINAL PROCEDURE. The clerk of a statutory county court shall
13 collect from a defendant an emergency medical air transportation
14 account surcharge of \$5 under Article 102.021, Code of Criminal
15 Procedure, on conviction of a moving violation.

16 SECTION 4. Subchapter E, Chapter 102, Government Code, is
17 amended by adding Section 102.0811 to read as follows:

18 Sec. 102.0811. EMERGENCY MEDICAL AIR TRANSPORTATION
19 ACCOUNT SURCHARGE ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL
20 PROCEDURE. The clerk of a county court shall collect from a
21 defendant an emergency medical air transportation account
22 surcharge of \$5 under Article 102.021, Code of Criminal Procedure,
23 on conviction of a moving violation.

24 SECTION 5. Subchapter F, Chapter 102, Government Code, is
25 amended by adding Section 102.1011 to read as follows:

26 Sec. 102.1011. EMERGENCY MEDICAL AIR TRANSPORTATION
27 ACCOUNT SURCHARGE ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL

1 PROCEDURE. The clerk of a justice court shall collect from a
2 defendant an emergency medical air transportation account
3 surcharge of \$5 under Article 102.021, Code of Criminal Procedure,
4 on conviction of a moving violation.

5 SECTION 6. Subchapter G, Chapter 102, Government Code, is
6 amended by adding Section 102.1211 to read as follows:

7 Sec. 102.1211. EMERGENCY MEDICAL AIR TRANSPORTATION
8 ACCOUNT SURCHARGE ON CONVICTION IN MUNICIPAL COURT: CODE OF
9 CRIMINAL PROCEDURE. The clerk of a municipal court shall collect
10 from a defendant an emergency medical air transportation account
11 surcharge of \$5 under Article 102.021, Code of Criminal Procedure,
12 on conviction of a moving violation.

13 SECTION 7. Not later than January 1, 2014, the executive
14 commissioner of the Health and Human Services Commission shall
15 adopt the initial rules under Section 773.252, Health and Safety
16 Code, as added by this Act.

17 SECTION 8. The imposition of a cost of court under Article
18 102.021, Code of Criminal Procedure, as added by this Act, applies
19 only to an offense committed on or after the effective date of this
20 Act. An offense committed before the effective date of this Act is
21 governed by the law in effect on the date the offense was committed,
22 and the former law is continued in effect for that purpose. For
23 purposes of this section, an offense was committed before the
24 effective date of this Act if any element of the offense was
25 committed before that date.

26 SECTION 9. This Act takes effect September 1, 2013.