

## **BILL ANALYSIS**

C.S.H.B. 1038  
By: Sheffield  
Insurance  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties explain that hemophilia is a rare, usually inherited, bleeding disorder in which the blood does not clot properly, creating an increased risk for brain trauma, serious bruising, or internal bleeding in joints or muscles. To avoid these risks, individuals with hemophilia and similar bleeding disorders must strictly adhere to their treatment plans, which involve intravenous infusions of blood clotting factor concentrates and often cost over \$250,000 per year. The Department of State Health Services hemophilia assistance program provides assistance in purchasing blood clotting factor products for eligible Texans, but the parties assert that the program currently provides benefits to only a handful of individuals due in part to the high costs of these products. The parties contend that enhancing the program's assistance options and appropriating current funds to provide better health care to these patients would allow a larger population to be served in a more cost-effective manner. C.S.H.B. 1038 seeks to amend the applicable law to address this issue.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

C.S.H.B. 1038 amends the Health and Safety Code to authorize the Department of State Health Services to assist an eligible person under the hemophilia assistance program in obtaining insurance by providing premium payment assistance in addition to providing financial assistance in obtaining blood, blood derivatives and concentrates, and other substances for use in medical or dental facilities or in the home.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

84R 22178

15.100.434

Substitute Document Number: 84R 21113

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1038 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### INTRODUCED

SECTION 1. Section 41.002, Health and Safety Code, is amended by adding Subsection (d) to read as follows:

(d) In addition to providing financial assistance under Subsection (c), the department may assist an eligible person in obtaining insurance by providing premium payment assistance.

SECTION 2. Subchapter D, Chapter 1506, Insurance Code, is amended by adding Section 1506.1535 to read as follows:

Sec. 1506.1535. PARTICIPANTS IN HEMOPHILIA ASSISTANCE PROGRAM. Notwithstanding Section 1506.153, an individual is eligible for coverage from the pool if the individual receives financial assistance under the hemophilia assistance program described by Section 41.002, Health and Safety Code.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

No equivalent provision.

SECTION 2. Same as introduced version.