

## **BILL ANALYSIS**

C.S.H.B. 2835  
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State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties point out that the children with special health care needs services program provides services to persons other than children, including persons 21 years of age and older who have cystic fibrosis, but the terminology used in the Health and Safety Code is not inclusive of those over 21 years of age suffering from cystic fibrosis. The parties also cite a recent report indicating that persons not lawfully present in the United States constituted two-thirds of the total number of persons served by the program and that more than half of the people on the program's waiting list were identified as persons not lawfully present in the United States. C.S.H.B. 2835 seeks to address these issues.

### **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 rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 7 of this bill.

### **ANALYSIS**

C.S.H.B. 2835 amends the Health and Safety Code to change the name of the children with special health care needs services program to the Texas special health care needs program, to make a conforming change in the short title of the corresponding statutory provisions, and to establish that a reference in other law to the children with special health care needs services program means the Texas special health care needs program. The bill specifies that a reference in the Texas Special Health Care Needs Program Act to a "child with special health care needs" means a "person with special health care needs" and a reference to "child" means a "person." The bill requires the Department of State Health Services to give priority for services provided under the program to an eligible person who is placed on a waiting list and who provides proof that the person is a United States citizen or is a qualified alien and requires the executive commissioner of the Health and Human Services Commission to adopt rules to implement this provision.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2835 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. The legislature finds that:

- (1) the name of the Children with Special Health Care Needs Services Program should be changed to accurately reflect that the program provides services to persons other than children, including persons 21 years of age and older who have cystic fibrosis;
- (2) as of January 31, 2015, persons not lawfully present in the United States constituted two-thirds the total number of persons served by the program;
- (3) as of January 31, 2015, the program's waiting list for services consisted of 178 persons, more than half of whom were identified as persons not lawfully present in the United States; and

- (4) it is the policy of this state that citizens of the United States who are on the program's waiting list for services should be given priority over persons not lawfully present in the United States.

SECTION 2. The heading to Chapter 35, Health and Safety Code, is amended.

SECTION 3. Section 35.001, Health and Safety Code, is amended.

SECTION 4. Section 35.0021, Health and Safety Code, is amended.

SECTION 5. Section 35.0022, Health and Safety Code, is amended.

## HOUSE COMMITTEE SUBSTITUTE

### SECTION 1. The legislature finds that:

- (1) when proposing, adopting, or amending the rules of the Department of State Health Services, or the Health and Human Services Commission and when publishing new or amended reference materials, publications, or electronic media,

the name of the Children with Special Health Care Needs Services Program should be changed to accurately reflect that the program provides services to persons other than children, including persons 21 years of age and older who have cystic fibrosis;

- (2) as of January 31, 2015, persons not lawfully present in the United States constituted two-thirds the total number of persons served by the program;

- (3) as of January 31, 2015, the program's waiting list for services consisted of 178 persons, more than half of whom were identified as persons not lawfully present in the United States;

- (4) if because of financial limitations the program is unable to serve all persons eligible for services under the program, some persons placed on the program's waiting list may not receive the services;

- (5) the only authority the state may exercise to address the limited availability of services when financial limitations exist is for the state to give priority for services to citizens of the United States who are on the program's waiting list; and

- (6) it is the policy of this state that, when financial limitations restrict the number of persons served by the program, citizens of the United States who are on the program's waiting list for services should be given priority over persons not lawfully present in the United States.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. The heading to Section 35.003, Health and Safety Code, is amended.

SECTION 7. Section 35.003, Health and Safety Code, is amended.

SECTION 8. The changes in law made by this Act apply to an eligible person placed on a waiting list under Section 35.003(c), Health and Safety Code, following an initial determination or redetermination of the person's eligibility for services under Chapter 35, Health and Safety Code, that is made on or after the effective date of this Act.

SECTION 9. This Act takes effect September 1, 2015.

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.

SECTION 9. Same as introduced version.