

By: Rodriguez

S.B. No. 1039

A BILL TO BE ENTITLED

AN ACT

relating to seeking federal authorization to provide health benefit plan coverage to certain low-income individuals through the private marketplace.

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

SECTION 1. Subtitle I, Title 4, Government Code, is amended by adding Chapter 540 to read as follows:

CHAPTER 540. FEDERAL WAIVER FOR HEALTH BENEFIT PLAN COVERAGE
THROUGH PRIVATE MARKETPLACE

Sec. 540.001. DEFINITIONS. In this chapter:

(1) "Expansion population" means residents of this state:

(A) who were not eligible to receive benefits under the eligibility criteria for the Medicaid program in effect on December 31, 2013; and

(B) for whom federal matching funds are available under the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152) to provide Medicaid benefits.

(2) "Medicaid program" means the medical assistance program established under Title XIX, Social Security Act (42 U.S.C. Section 1396 et seq.).

Sec. 540.002. FEDERAL AUTHORIZATION FOR HEALTH BENEFIT PLAN

1 COVERAGE THROUGH PRIVATE MARKETPLACE. (a) Notwithstanding any
2 other law, the executive commissioner shall seek a waiver under
3 Section 1115 of the Social Security Act (42 U.S.C. Section 1396 et
4 seq.) to the state Medicaid plan to develop and implement a program
5 to assist the expansion population with obtaining health benefit
6 plan coverage through the private marketplace. The terms of a
7 waiver under this section must:

8 (1) provide for the implementation of sliding scale
9 subsidies:

10 (A) based on an individual's ability to pay; and

11 (B) designed to assist eligible individuals with
12 purchasing a health benefit plan from credible health benefit plan
13 issuers;

14 (2) require the implementation of health savings
15 accounts and point-of-service cost-sharing by individuals meant to
16 encourage the appropriate use of health care benefits and wellness;

17 (3) include personal responsibility requirements for
18 individuals enrolled in the program, including incentives for
19 seeking and maintaining employment;

20 (4) impose financial penalties on individuals
21 enrolled in the program for inappropriate use of hospital emergency
22 room services for non-emergent care;

23 (5) provide for implementation of a small-employer
24 subsidy designed to encourage those employers to provide health
25 benefit coverage options as a benefit to employees who are members
26 of the expansion population; and

27 (6) be designed to establish a transparent process for

1 determining the cost savings realized under the waiver by local
2 governments and local property taxpayers that result from reduced
3 costs associated with providing indigent care services.

4 (b) The executive commissioner shall adopt rules necessary
5 to implement this section.

6 SECTION 2. Not later than December 1, 2015, the executive
7 commissioner of the Health and Human Services Commission shall
8 adopt rules necessary to implement Section 540.002, Government
9 Code, as added by this Act.

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