

By: Hinojosa

S.B. No. 1462

A BILL TO BE ENTITLED

AN ACT

relating to local health care provider participation programs in certain counties and municipalities.

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

SECTION 1. Section 288.151(b), Health and Safety Code, is amended to read as follows:

(b) Not later than the fifth [~~10th~~] day before the date of the hearing, the commission shall publish at least once notice of the hearing in a newspaper of general circulation in the county in which the district is located.

SECTION 2. Section 288.155(c), Health and Safety Code, is amended to read as follows:

(c) Money deposited to the local provider participation fund may be used only to:

(1) fund intergovernmental transfers from the district to the state to provide:

(A) the nonfederal share of a Medicaid supplemental payment program authorized under the state Medicaid plan, the Texas Healthcare Transformation and Quality Improvement Program waiver issued under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315), or a successor waiver program authorizing similar Medicaid supplemental payment programs; or

(B) payments to Medicaid managed care

- 1 organizations that are dedicated for payment to hospitals;
2 (2) subsidize indigent programs;
3 (3) pay the administrative expenses of the district;
4 (4) refund a portion of a mandatory payment collected
5 in error from a paying hospital; ~~and~~
6 (5) refund to paying hospitals the proportionate share
7 of the money received by the district from the Health and Human
8 Services Commission that is not used to fund the nonfederal share of
9 Medicaid supplemental payment program payments; and
10 (6) refund to paying hospitals the proportionate share
11 of money that the district determines cannot be used to fund the
12 nonfederal share of Medicaid supplemental payment program
13 payments.

14 SECTION 3. Section 288.202, Health and Safety Code, is
15 amended to read as follows:

16 Sec. 288.202. ASSESSMENT AND COLLECTION OF MANDATORY
17 PAYMENTS. The district may collect or contract for the assessment
18 and collection of mandatory payments required under this chapter
19 ~~[(a) Except as provided by Subsection (b), the county tax~~
20 ~~assessor-collector shall collect a mandatory payment required~~
21 ~~under this subchapter. The county tax assessor-collector shall~~
22 ~~charge and deduct from mandatory payments collected for the~~
23 ~~district a fee for collecting the mandatory payment in an amount~~
24 ~~determined by the commission, not to exceed the county tax~~
25 ~~assessor-collector's usual and customary charges.~~

26 ~~[(b) If determined by the commission to be appropriate, the~~
27 ~~commission may contract for the assessment and collection of~~

1 ~~mandatory payments in the manner provided by Title 1, Tax Code, for~~
2 ~~the assessment and collection of ad valorem taxes.~~

3 ~~[(c) Revenue from a fee charged by a county tax~~
4 ~~assessor-collector for collecting the mandatory payment shall be~~
5 ~~deposited in the county general fund and, if appropriate, shall be~~
6 ~~reported as fees of the county tax assessor-collector].~~

7 SECTION 4. Section 291.101(b), Health and Safety Code, is
8 amended to read as follows:

9 (b) Not later than the fifth ~~[10th]~~ day before the date of
10 the hearing required under Subsection (a), the commissioners court
11 of the county shall publish notice of the hearing in a newspaper of
12 general circulation in the county.

13 SECTION 5. Section 291.103(c), Health and Safety Code, is
14 amended to read as follows:

15 (c) Money deposited to the local provider participation
16 fund may be used only to:

17 (1) fund intergovernmental transfers from the county
18 to the state to provide:

19 (A) the nonfederal share of a Medicaid
20 supplemental payment program authorized under the state Medicaid
21 plan, the Texas Healthcare Transformation and Quality Improvement
22 Program waiver issued under Section 1115 of the federal Social
23 Security Act (42 U.S.C. Section 1315), or a successor waiver
24 program authorizing similar Medicaid supplemental payment
25 programs; or

26 (B) payments to Medicaid managed care
27 organizations that are dedicated for payment to hospitals;

- 1 (2) subsidize indigent programs;
- 2 (3) pay the administrative expenses of the county
3 solely for activities under this chapter;
- 4 (4) refund a portion of a mandatory payment collected
5 in error from a paying hospital; ~~and~~
- 6 (5) refund to paying hospitals the proportionate share
7 of money received by the county from the Health and Human Services
8 Commission that is not used to fund the nonfederal share of Medicaid
9 supplemental payment program payments; and
- 10 (6) refund to paying hospitals the proportionate share
11 of money that the county determines cannot be used to fund the
12 nonfederal share of Medicaid supplemental payment program
13 payments.

14 SECTION 6. Section 291.152, Health and Safety Code, is
15 amended to read as follows:

16 Sec. 291.152. ASSESSMENT AND COLLECTION OF MANDATORY
17 PAYMENTS. The county may collect or contract for the assessment and
18 collection of mandatory payments authorized under this chapter ~~[(a)~~
19 ~~Except as provided by Subsection (b), the county tax~~
20 ~~assessor-collector shall collect the mandatory payment authorized~~
21 ~~under this chapter. The county tax assessor-collector shall charge~~
22 ~~and deduct from mandatory payments collected for the county a fee~~
23 ~~for collecting the mandatory payment in an amount determined by the~~
24 ~~commissioners court of the county, not to exceed the county tax~~
25 ~~assessor-collector's usual and customary charges.~~

26 ~~[(b) If determined by the commissioners court to be~~
27 ~~appropriate, the commissioners court may contract for the~~

1 ~~assessment and collection of mandatory payments in the manner~~
2 ~~provided by Title 1, Tax Code, for the assessment and collection of~~
3 ~~ad valorem taxes.~~

4 ~~[(c) Revenue from a fee charged by a county tax~~
5 ~~assessor-collector for collecting the mandatory payment shall be~~
6 ~~deposited in the county general fund and, if appropriate, shall be~~
7 ~~reported as fees of the county tax assessor-collector].~~

8 SECTION 7. Section 292.101(b), Health and Safety Code, is
9 amended to read as follows:

10 (b) Not later than the fifth [~~10th~~] day before the date of
11 the hearing required under Subsection (a), the commissioners court
12 of the county shall publish notice of the hearing in a newspaper of
13 general circulation in the county.

14 SECTION 8. Section 292.103(c), Health and Safety Code, is
15 amended to read as follows:

16 (c) Money deposited to the local provider participation
17 fund may be used only to:

18 (1) fund intergovernmental transfers from the county
19 to the state to provide:

20 (A) the nonfederal share of a Medicaid
21 supplemental payment program authorized under the state Medicaid
22 plan, the Texas Healthcare Transformation and Quality Improvement
23 Program waiver issued under Section 1115 of the federal Social
24 Security Act (42 U.S.C. Section 1315), or a successor waiver
25 program authorizing similar Medicaid supplemental payment
26 programs; or

27 (B) payments to Medicaid managed care

1 organizations that are dedicated for payment to hospitals;

2 (2) subsidize indigent programs;

3 (3) pay the administrative expenses of the county
4 solely for activities under this chapter;

5 (4) refund a portion of a mandatory payment collected
6 in error from a paying hospital; ~~and~~

7 (5) refund to paying hospitals the proportionate share
8 of money received by the county from the Health and Human Services
9 Commission that is not used to fund the nonfederal share of Medicaid
10 supplemental payment program payments; and

11 (6) refund to paying hospitals the proportionate share
12 of money that the county determines cannot be used to fund the
13 nonfederal share of Medicaid supplemental payment program
14 payments.

15 SECTION 9. Section 292.152, Health and Safety Code, is
16 amended to read as follows:

17 Sec. 292.152. ASSESSMENT AND COLLECTION OF MANDATORY
18 PAYMENTS. The county may collect or contract for the assessment and
19 collection of mandatory payments authorized under this chapter ~~[(a)~~
20 ~~Except as provided by Subsection (b), the county tax~~
21 ~~assessor-collector shall collect the mandatory payment authorized~~
22 ~~under this chapter. The county tax assessor-collector shall charge~~
23 ~~and deduct from mandatory payments collected for the county a fee~~
24 ~~for collecting the mandatory payment in an amount determined by the~~
25 ~~commissioners court of the county, not to exceed the county tax~~
26 ~~assessor-collector's usual and customary charges.~~

27 ~~[(b) If determined by the commissioners court to be~~

1 ~~appropriate, the commissioners court may contract for the~~
2 ~~assessment and collection of mandatory payments in the manner~~
3 ~~provided by Title 1, Tax Code, for the assessment and collection of~~
4 ~~ad valorem taxes.~~

5 ~~[(c) Revenue from a fee charged by a county tax~~
6 ~~assessor-collector for collecting the mandatory payment shall be~~
7 ~~deposited in the county general fund and, if appropriate, shall be~~
8 ~~reported as fees of the county tax assessor-collector].~~

9 SECTION 10. Section 293.001(1), Health and Safety Code, is
10 amended to read as follows:

11 (1) "Institutional health care provider" means a
12 nonpublic hospital that provides inpatient hospital services
13 ~~[licensed under Chapter 241].~~

14 SECTION 11. Section 293.101(b), Health and Safety Code, is
15 amended to read as follows:

16 (b) Not later than the fifth ~~[10th]~~ day before the date of
17 the hearing required under Subsection (a), the commissioners court
18 of the county shall publish notice of the hearing in a newspaper of
19 general circulation in the county.

20 SECTION 12. Section 293.103(c), Health and Safety Code, is
21 amended to read as follows:

22 (c) Money deposited to the local provider participation
23 fund may be used only to:

24 (1) fund intergovernmental transfers from the county
25 to the state to provide:

26 (A) the nonfederal share of a Medicaid
27 supplemental payment program authorized under the state Medicaid

1 plan, the Texas Healthcare Transformation and Quality Improvement
2 Program waiver issued under Section 1115 of the federal Social
3 Security Act (42 U.S.C. Section 1315), or a successor waiver
4 program authorizing similar Medicaid supplemental payment
5 programs; or

6 (B) payments to Medicaid managed care
7 organizations that are dedicated for payment to hospitals;

8 (2) subsidize indigent programs;

9 (3) pay the administrative expenses of the county
10 solely for activities under this chapter;

11 (4) refund a portion of a mandatory payment collected
12 in error from a paying hospital; ~~and~~

13 (5) refund to paying hospitals the proportionate share
14 of money received by the county from the Health and Human Services
15 Commission that is not used to fund the nonfederal share of Medicaid
16 supplemental payment program payments; and

17 (6) refund to paying hospitals the proportionate share
18 of money that the county determines cannot be used to fund the
19 nonfederal share of Medicaid supplemental payment program
20 payments.

21 SECTION 13. Section 293.152, Health and Safety Code, is
22 amended to read as follows:

23 Sec. 293.152. ASSESSMENT AND COLLECTION OF MANDATORY
24 PAYMENTS. The county may collect or contract for the assessment and
25 collection of mandatory payments authorized under this chapter ~~[(a)~~
26 ~~Except as provided by Subsection (b), the county tax~~
27 ~~assessor-collector shall collect the mandatory payment authorized~~

1 ~~under this chapter. The county tax assessor-collector shall charge~~
2 ~~and deduct from mandatory payments collected for the county a fee~~
3 ~~for collecting the mandatory payment in an amount determined by the~~
4 ~~commissioners court of the county, not to exceed the county tax~~
5 ~~assessor-collector's usual and customary charges.~~

6 ~~[(b) If determined by the commissioners court to be~~
7 ~~appropriate, the commissioners court may contract for the~~
8 ~~assessment and collection of mandatory payments in the manner~~
9 ~~provided by Title 1, Tax Code, for the assessment and collection of~~
10 ~~ad valorem taxes.~~

11 ~~[(c) Revenue from a fee charged by a county tax~~
12 ~~assessor-collector for collecting the mandatory payment shall be~~
13 ~~deposited in the county general fund and, if appropriate, shall be~~
14 ~~reported as fees of the county tax assessor-collector].~~

15 SECTION 14. Section 294.001(1), Health and Safety Code, is
16 amended to read as follows:

17 (1) "Institutional health care provider" means a
18 nonpublic hospital that provides inpatient hospital services
19 ~~[licensed under Chapter 241].~~

20 SECTION 15. Section 294.101(b), Health and Safety Code, is
21 amended to read as follows:

22 (b) Not later than the fifth ~~[10th]~~ day before the date of
23 the hearing required under Subsection (a), the commissioners court
24 of the county shall publish notice of the hearing in a newspaper of
25 general circulation in the county.

26 SECTION 16. Section 294.103(c), Health and Safety Code, is
27 amended to read as follows:

1 (c) Money deposited to the local provider participation
2 fund may be used only to:

3 (1) fund intergovernmental transfers from the county
4 to the state to provide:

5 (A) the nonfederal share of a Medicaid
6 supplemental payment program authorized under the state Medicaid
7 plan, the Texas Healthcare Transformation and Quality Improvement
8 Program waiver issued under Section 1115 of the federal Social
9 Security Act (42 U.S.C. Section 1315), or a successor waiver
10 program authorizing similar Medicaid supplemental payment
11 programs; or

12 (B) payments to Medicaid managed care
13 organizations that are dedicated for payment to hospitals;

14 (2) subsidize indigent programs;

15 (3) pay the administrative expenses of the county
16 solely for activities under this chapter;

17 (4) refund a portion of a mandatory payment collected
18 in error from a paying hospital; ~~and~~

19 (5) refund to paying hospitals the proportionate share
20 of money received by the county from the Health and Human Services
21 Commission that is not used to fund the nonfederal share of Medicaid
22 supplemental payment program payments; and

23 (6) refund to paying hospitals the proportionate share
24 of money that the county determines cannot be used to fund the
25 nonfederal share of Medicaid supplemental payment program
26 payments.

27 SECTION 17. Section 294.152, Health and Safety Code, is

1 amended to read as follows:

2 Sec. 294.152. ASSESSMENT AND COLLECTION OF MANDATORY
3 PAYMENTS. The county may collect or contract for the assessment and
4 collection of mandatory payments authorized under this chapter [~~(a)~~
5 ~~Except as provided by Subsection (b), the county tax~~
6 ~~assessor-collector shall collect the mandatory payment authorized~~
7 ~~under this chapter. The county tax assessor-collector shall charge~~
8 ~~and deduct from mandatory payments collected for the county a fee~~
9 ~~for collecting the mandatory payment in an amount determined by the~~
10 ~~commissioners court of the county, not to exceed the county tax~~
11 ~~assessor-collector's usual and customary charges.~~

12 [~~(b) If determined by the commissioners court to be~~
13 ~~appropriate, the commissioners court may contract for the~~
14 ~~assessment and collection of mandatory payments in the manner~~
15 ~~provided by Title 1, Tax Code, for the assessment and collection of~~
16 ~~ad valorem taxes.~~

17 [~~(c) Revenue from a fee charged by a county tax~~
18 ~~assessor-collector for collecting the mandatory payment shall be~~
19 ~~deposited in the county general fund and, if appropriate, shall be~~
20 ~~reported as fees of the county tax assessor-collector].~~

21 SECTION 18. Section 295.101(b), Health and Safety Code, is
22 amended to read as follows:

23 (b) Not later than the fifth [~~10th~~] day before the date of
24 the hearing required under Subsection (a), the governing body of
25 the municipality shall publish notice of the hearing in a newspaper
26 of general circulation in the municipality.

27 SECTION 19. Section 295.103(c), Health and Safety Code, is

1 amended to read as follows:

2 (c) Money deposited to the local provider participation
3 fund may be used only to:

4 (1) fund intergovernmental transfers from the
5 municipality to the state to provide:

6 (A) the nonfederal share of a Medicaid
7 supplemental payment program authorized under the state Medicaid
8 plan, the Texas Healthcare Transformation and Quality Improvement
9 Program waiver issued under Section 1115 of the federal Social
10 Security Act (42 U.S.C. Section 1315), or a successor waiver
11 program authorizing similar Medicaid supplemental payment
12 programs; or

13 (B) payments to Medicaid managed care
14 organizations that are dedicated for payment to hospitals;

15 (2) subsidize indigent programs;

16 (3) pay the administrative expenses of the
17 municipality solely for activities under this chapter;

18 (4) refund a portion of a mandatory payment collected
19 in error from a paying hospital; ~~and~~

20 (5) refund to paying hospitals the proportionate share
21 of money received by the municipality from the Health and Human
22 Services Commission that is not used to fund the nonfederal share of
23 Medicaid supplemental payment program payments; and

24 (6) refund to paying hospitals the proportionate share
25 of money that the governing body of the municipality determines
26 cannot be used to fund the nonfederal share of Medicaid
27 supplemental payment program payments.

1 SECTION 20. Section 295.152, Health and Safety Code, is
2 amended to read as follows:

3 Sec. 295.152. ASSESSMENT AND COLLECTION OF MANDATORY
4 PAYMENTS. The municipality may collect or contract for the
5 assessment and collection of mandatory payments authorized under
6 this chapter [~~(a) Except as provided by Subsection (b), the~~
7 ~~municipal tax assessor-collector shall collect the mandatory~~
8 ~~payment authorized under this chapter. The municipal tax~~
9 ~~assessor-collector shall charge and deduct from mandatory payments~~
10 ~~collected for the municipality a fee for collecting the mandatory~~
11 ~~payment in an amount determined by the governing body of the~~
12 ~~municipality, not to exceed the municipal tax assessor-collector's~~
13 ~~usual and customary charges.~~

14 [~~(b) If determined by the governing body to be appropriate,~~
15 ~~the governing body may contract for the assessment and collection~~
16 ~~of mandatory payments in the manner provided by Title 1, Tax Code,~~
17 ~~for the assessment and collection of ad valorem taxes.~~

18 [~~(c) Revenue from a fee charged by a municipal tax~~
19 ~~assessor-collector for collecting the mandatory payment shall be~~
20 ~~deposited in the municipal general fund and, if appropriate, shall~~
21 ~~be reported as fees of the municipal tax assessor-collector].~~

22 SECTION 21. Section 296.101(b), Health and Safety Code, is
23 amended to read as follows:

24 (b) Not later than the fifth [~~10th~~] day before the date of
25 the hearing required under Subsection (a), the commissioners court
26 of the county shall publish notice of the hearing in a newspaper of
27 general circulation in the county.

1 SECTION 22. Section 296.103(c), Health and Safety Code, is
2 amended to read as follows:

3 (c) Money deposited to the local provider participation
4 fund may be used only to:

5 (1) fund intergovernmental transfers from the county
6 to the state to provide:

7 (A) the nonfederal share of a Medicaid
8 supplemental payment program authorized under the state Medicaid
9 plan, the Texas Healthcare Transformation and Quality Improvement
10 Program waiver issued under Section 1115 of the federal Social
11 Security Act (42 U.S.C. Section 1315), or a successor waiver
12 program authorizing similar Medicaid supplemental payment
13 programs; or

14 (B) payments to Medicaid managed care
15 organizations that are dedicated for payment to hospitals;

16 (2) subsidize indigent programs;

17 (3) pay the administrative expenses of the county
18 solely for activities under this chapter;

19 (4) refund a portion of a mandatory payment collected
20 in error from a paying hospital; ~~and~~

21 (5) refund to paying hospitals the proportionate share
22 of money received by the county from the Health and Human Services
23 Commission that is not used to fund the nonfederal share of Medicaid
24 supplemental payment program payments; and

25 (6) refund to paying hospitals the proportionate share
26 of money that the county determines cannot be used to fund the
27 nonfederal share of Medicaid supplemental payment program

1 payments.

2 SECTION 23. Section 296.152, Health and Safety Code, is
3 amended to read as follows:

4 Sec. 296.152. ASSESSMENT AND COLLECTION OF MANDATORY
5 PAYMENTS. The county may collect or contract for the assessment and
6 collection of mandatory payments authorized under this chapter [~~(a)~~
7 ~~Except as provided by Subsection (b), the county tax~~
8 ~~assessor-collector shall collect the mandatory payment authorized~~
9 ~~under this chapter. The county tax assessor-collector shall charge~~
10 ~~and deduct from mandatory payments collected for the county a fee~~
11 ~~for collecting the mandatory payment in an amount determined by the~~
12 ~~commissioners court of the county, not to exceed the county tax~~
13 ~~assessor-collector's usual and customary charges.~~

14 [~~(b) If determined by the commissioners court to be~~
15 ~~appropriate, the commissioners court may contract for the~~
16 ~~assessment and collection of mandatory payments in the manner~~
17 ~~provided by Title 1, Tax Code, for the assessment and collection of~~
18 ~~ad valorem taxes.~~

19 [~~(c) Revenue from a fee charged by a county tax~~
20 ~~assessor-collector for collecting the mandatory payment shall be~~
21 ~~deposited in the county general fund and, if appropriate, shall be~~
22 ~~reported as fees of the county tax assessor-collector].~~

23 SECTION 24. Section 297.001(1), Health and Safety Code, is
24 amended to read as follows:

25 (1) "Institutional health care provider" means a
26 nonpublic hospital that provides inpatient hospital services
27 [~~licensed under Chapter 241~~].

1 SECTION 25. Section 297.101(b), Health and Safety Code, is
2 amended to read as follows:

3 (b) Not later than the fifth [~~10th~~] day before the date of
4 the hearing required under Subsection (a), the commissioners court
5 of the county shall publish notice of the hearing in a newspaper of
6 general circulation in the county.

7 SECTION 26. Section 297.103(c), Health and Safety Code, is
8 amended to read as follows:

9 (c) Money deposited to the local provider participation
10 fund may be used only to:

11 (1) fund intergovernmental transfers from the county
12 to the state to provide:

13 (A) the nonfederal share of a Medicaid
14 supplemental payment program authorized under the state Medicaid
15 plan, the Texas Healthcare Transformation and Quality Improvement
16 Program waiver issued under Section 1115 of the federal Social
17 Security Act (42 U.S.C. Section 1315), or a successor waiver
18 program authorizing similar Medicaid supplemental payment
19 programs; or

20 (B) payments to Medicaid managed care
21 organizations that are dedicated for payment to hospitals;

22 (2) subsidize indigent programs;

23 (3) pay the administrative expenses of the county
24 solely for activities under this chapter;

25 (4) refund a portion of a mandatory payment collected
26 in error from a paying hospital; [~~and~~]

27 (5) refund to paying hospitals the proportionate share

1 of money received by the county from the Health and Human Services
2 Commission that is not used to fund the nonfederal share of Medicaid
3 supplemental payment program payments; and

4 (6) refund to paying hospitals the proportionate share
5 of money that the county determines cannot be used to fund the
6 nonfederal share of Medicaid supplemental payment program
7 payments.

8 SECTION 27. Section 297.152, Health and Safety Code, is
9 amended to read as follows:

10 Sec. 297.152. ASSESSMENT AND COLLECTION OF MANDATORY
11 PAYMENTS. The county may collect or contract for the assessment and
12 collection of mandatory payments authorized under this chapter [~~(a)~~
13 ~~Except as provided by Subsection (b), the county tax~~
14 ~~assessor-collector shall collect the mandatory payment authorized~~
15 ~~under this chapter. The county tax assessor-collector shall charge~~
16 ~~and deduct from mandatory payments collected for the county a fee~~
17 ~~for collecting the mandatory payment in an amount determined by the~~
18 ~~commissioners court of the county, not to exceed the county tax~~
19 ~~assessor-collector's usual and customary charges.~~

20 [~~(b) If determined by the commissioners court to be~~
21 ~~appropriate, the commissioners court may contract for the~~
22 ~~assessment and collection of mandatory payments in the manner~~
23 ~~provided by Title 1, Tax Code, for the assessment and collection of~~
24 ~~ad valorem taxes.~~

25 [~~(c) Revenue from a fee charged by a county tax~~
26 ~~assessor-collector for collecting the mandatory payment shall be~~
27 ~~deposited in the county general fund and, if appropriate, shall be~~

1 ~~reported as fees of the county tax assessor-collector].~~

2 SECTION 28. This Act takes effect immediately if it
3 receives a vote of two-thirds of all the members elected to each
4 house, as provided by Section 39, Article III, Texas Constitution.
5 If this Act does not receive the vote necessary for immediate
6 effect, this Act takes effect September 1, 2017.