

BILL ANALYSIS

C.S.H.B. 4548
By: Wray
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that certain communities, such as Ellis County, have neither a public hospital nor a hospital district through which health care providers can partner to take advantage of federal funds. It has been suggested that a county health care provider participation program would be beneficial for such communities. C.S.H.B. 4548 seeks to provide for such a program.

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

C.S.H.B. 4548 amends the Health and Safety Code to provide for a county health care provider participation program in a county that is not served by a hospital district or a public hospital, has a population of less than 600,000, and borders two counties both with populations of one million or more. The bill establishes that such a program authorizes a county to collect a mandatory payment from each institutional health care provider located in the county to be deposited in a local provider participation fund established by the county. Money in the fund may be used by the county to fund certain intergovernmental transfers and indigent care programs as provided by the bill. The bill authorizes the commissioners court to adopt an order authorizing a county to participate in the program, subject to certain limitations. The bill defines, among other terms, "institutional health care provider" as a nonpublic hospital that provides inpatient hospital services.

C.S.H.B. 4548 sets out the powers and duties of a commissioners court with respect to the county health care provider participation program. The bill provides for an annual public hearing on the amounts of any mandatory payments that the commissioners court intends to require during the year and how the revenue derived from those payments is to be spent and requires the commissioners court, not later than the 10th day before the date of such a hearing, to publish notice of the hearing in a newspaper of general circulation in the county. The bill provides for the certain designation of one or more local banks as the depository for mandatory payments and for the creation, composition, and use of a county's local provider participation fund.

C.S.H.B. 4548 provides for the amount, assessment, and collection of a mandatory payment and specifies that interest, penalties, and discounts on mandatory payments are governed by the law applicable to county property taxes. The bill authorizes a county to provide by rule for an alternative provision or procedure that conforms to the requirements of the federal Centers for

Medicare and Medicaid Services to the extent any provision or procedure under the bill's provisions causes a mandatory payment to be ineligible for federal matching funds.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4548 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the applicability of the bill's provisions from a county that is adjacent to two counties with a population of one million or more and that borders the Trinity River to a county that is not served by a hospital district or a public hospital, has a population of less than 600,000, and borders two counties both with populations of one million or more.

The substitute makes the following changes to the bill's provisions relating to mandatory payments and local provider participation funds:

- specifies that only a county that collects a mandatory payment is required to create a local provider participation fund;
- removes certain uses of money deposited to the fund;
- revises the determination of the net patient revenue of an institutional health care provider for the assessment of a mandatory payment in the first year in which a mandatory payment is required; and
- replaces the authorization for a county to update the amount of a mandatory payment on an annual basis with a requirement for the county to do so.

The substitute does not include provisions relating to a delinquent mandatory payment and the contracting of an attorney to seek and enforce the collection of such a payment. The substitute establishes instead that interest, penalties, and discounts on mandatory payments are governed by the law applicable to county property taxes.