

By: Shaheen

H.C.R. No. 90

CONCURRENT RESOLUTION

1 WHEREAS, An effective way to offset the increasing cost of
2 health care is to use direct primary care for all primary health
3 care services and use a high deductible health insurance plan in
4 combination with a health savings account to cover more expensive
5 care and hospitalization; and

6 WHEREAS, In direct primary care, a single low monthly fee to a
7 physician or clinic covers all primary care services, with no
8 preexisting condition exclusions, no disagreements over covered
9 treatments, no insurance forms to fill out, and no deductibles or
10 co-pays; and

11 WHEREAS, A high deductible health insurance plan in
12 combination with a health savings account is offered by the
13 Employees Retirement System (ERS) of Texas to state employees; the
14 ERS notes that health savings accounts are like tax-free nest eggs
15 for health care expenses because contributions are tax-free, up to
16 a certain amount set by the Internal Revenue Service; withdrawals
17 are not taxed, as long as the money is used for qualified health
18 expenses, and interest and investment earnings are not taxed; and

19 WHEREAS, Unfortunately, Texans who enroll in a high
20 deductible health insurance plan in combination with a health
21 savings account cannot use their health savings account to pay for
22 direct primary care because of an Internal Revenue Service ruling
23 that direct primary care constitutes a second health insurance
24 plan, which is prohibited under federal law governing tax-free

1 contributions to a health savings account; and

2 WHEREAS, Like many other states, Texas has passed legislation
3 to establish that direct primary care is not insurance and that a
4 physician providing direct primary care in return for a monthly
5 retainer is not subject to regulation by the Texas Department of
6 Insurance for the direct primary care; and

7 WHEREAS, Likewise, a federal regulation adopted by
8 the U.S. Department of Health and Human Services to implement the
9 Affordable Care Act treats direct primary care clinics, known as
10 medical homes, as a health benefit, not a health insurance plan; and

11 WHEREAS, Despite state and federal action to clarify that
12 direct primary care is not insurance, congressional action is
13 needed to allow health savings accounts to be used for direct
14 primary care; such action would benefit many Texans, including
15 those in rural communities, by encouraging more patients to get
16 their care from a personal physician, rather than a hospital
17 emergency room, and by encouraging more physicians to practice in
18 direct primary care; now, therefore, be it

19 RESOLVED, That the 86th Legislature of the State of Texas
20 hereby urge Congress to allow health savings accounts to be used for
21 direct primary care; and, be it further

22 RESOLVED, That the Texas secretary of state forward official
23 copies of this resolution to the president of the United States, to
24 the president of the Senate and the speaker of the House of
25 Representatives of the United States Congress, and to all the
26 members of the Texas delegation to Congress with the request that
27 this resolution be entered in the Congressional Record as a

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1 memorial to the Congress of the United States of America.