

BILL ANALYSIS

C.S.H.B. 5280
By: Bucy
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

TexHealth has been asked by a variety of elected officials, health insurance professionals, and small business owners to offer its assistance program in their respective counties. However, there is currently a statute that stipulates that three-share plans such as TexHealth may not operate in a county without commissioners court approval. The approval process is long and tedious and is a barrier to helping small business owners and their employees access affordable health insurance. Originally TexHealth was a health care provider, but now it has restructured to be a premium assistance program, no longer offering health care coverage. Because TexHealth is not offering health care services, county commissioners' approval is not needed. C.S.H.B. 5280 seeks to enable the operation of regional health care programs, such as TexHealth, in counties without the approval of the applicable county commissioners court and without being subjected to direct governance by the county commissioners court.

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. 5280 amends the Health and Safety Code to authorize a community-based nonprofit organization to establish or participate in a regional health care program for employees of small employers without the participation of the commissioners court of a county if the program is a premium assistance program not offering health care services or health care benefits. The bill provides for a participating nonprofit organization to operate and directly govern such a program and subjects such a program to the program objectives established under state law for other regional or local health programs, but with respect to serving individuals in a county in which a participating nonprofit organization operates.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 5280 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and the substitute provide for certain entities to provide services under provisions governing a regional or local health care program for employees of small employers, the introduced accomplished this by including the governing body of an entity that operates three-share premium assistance programs, including, but not limited to, TexHealth Central Texas, in the definition of "governing body" for purposes of those provisions, but the substitute explicitly authorizes a community-based nonprofit organization to establish or participate in a regional health care program under those provisions that is a premium assistance program not offering health care services or health care benefits, without the participation of the county commissioners court, and authorizes its direct governance and operation by a participating nonprofit organization. The substitute includes provisions absent from the introduced subjecting such a program to the program objectives established under state law for other regional or local health programs, but with respect to serving individuals in a county in which a participating nonprofit organization operates.