88R6817 SRA-F

By:  Ashby H.B. No. 3456

A BILL TO BE ENTITLED

AN ACT

relating to the operation of certain health care provider participation programs in this state.

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

SECTION 1.  Section 292C.004, Health and Safety Code, is amended to read as follows:

Sec. 292C.004.  EXPIRATION. The authority of a county to administer and operate a program under this chapter expires December 31, 2027 [~~2023~~].

SECTION 2.  Section 298A.004, Health and Safety Code, is amended to read as follows:

Sec. 298A.004.  EXPIRATION. (a) Subject to Section 298A.153(d), the authority of the district to administer and operate a program under this chapter expires December 31, 2027 [~~2025~~].

(b)  This chapter expires December 31, 2027 [~~2025~~].

SECTION 3.  Section 298B.004, Health and Safety Code, is amended to read as follows:

Sec. 298B.004.  EXPIRATION OF AUTHORITY. (a) Subject to Sections 298B.153(d) and 298B.154, the authority of the district to administer and operate a program under this chapter expires December 31, 2027 [~~2025~~].

(b)  Subsection (a) does not affect the authority of the district to require and collect a mandatory payment under Section 298B.154 after December 31, 2027 [~~2025~~], if necessary.

SECTION 4.  Section 298E.004, Health and Safety Code, is amended to read as follows:

Sec. 298E.004.  EXPIRATION. (a) Subject to Section 298E.153(d), the authority of a district to administer and operate a program under this chapter expires December 31, 2027 [~~2023~~].

(b)  This chapter expires December 31, 2027 [~~2023~~].

SECTION 5.  Section 298F.004, Health and Safety Code, is amended to read as follows:

Sec. 298F.004.  EXPIRATION. (a) Subject to Section 298F.153(d), the authority of the district to administer and operate a program under this chapter expires December 31, 2027 [~~2023~~].

(b)  This chapter expires December 31, 2027 [~~2023~~].

SECTION 6.  Section 298G.004, Health and Safety Code, is amended to read as follows:

Sec. 298G.004.  EXPIRATION. (a) Subject to Section 298G.153(d), the authority of the district to administer and operate a program under this chapter expires December 31, 2027 [~~2023~~].

(b)  This chapter expires December 31, 2027 [~~2023~~].

SECTION 7.  Section 299.004, Health and Safety Code, is amended to read as follows:

Sec. 299.004.  EXPIRATION. (a) Subject to Section 299.153(d), the authority of the district to administer and operate a program under this chapter expires December 31, 2025 [~~2023~~].

(b)  This chapter expires December 31, 2025 [~~2023~~].

SECTION 8.  Section 300.0003, Health and Safety Code, is amended to read as follows:

Sec. 300.0003.  APPLICABILITY. This chapter applies only to:

(1)  a hospital district that is not authorized to create [~~participating in~~] a health care provider participation program under [~~authorized by~~] another chapter of this subtitle; and

(2)  a county or municipality that[~~:~~

[~~(A)~~]  is not authorized to create [~~participating in~~] a health care provider participation program under [~~authorized by~~] another chapter of this subtitle[~~; and~~

[~~(B)  is not served by a hospital district or a public hospital~~].

SECTION 9.  Subtitle D, Title 4, Health and Safety Code, is amended by adding Chapter 300B to read as follows:

CHAPTER 300B. PROVISIONS GENERALLY APPLICABLE TO HEALTH CARE PROVIDER PARTICIPATION PROGRAMS

Sec. 300B.0001.  DEFINITION. In this chapter, "qualifying local government" means:

(1)  a county, municipality, or hospital district that is participating in a health care provider participation program authorized by another chapter of this subtitle;

(2)  a health care funding district created under Chapter 288; or

(3)  a health care provider participation district created under Chapter 300A.

Sec. 300B.0002.  PERMISSIVE POWERS; LIMITATIONS. (a) A qualifying local government is not required to exercise the powers granted by this chapter.

(b)  A qualifying local government may only exercise the powers granted by this chapter for the health care provider participation program that the qualifying local government administers.

(c)  Before a qualifying local government exercises a power granted by this chapter, the qualifying local government must comply with procedural requirements relating to the setting of the amount of mandatory payments applicable to the health care provider participation program administered by the qualifying local government, including all applicable public notice and hearing requirements.

Sec. 300B.0003.  ASSESSMENT BASIS. (a) The governing body of a qualifying local government may require mandatory payments to be assessed against each institutional health care provider located in the qualifying local government on the basis of either:

(1)  the assessment basis required by the laws applicable to the health care provider participation program administered by the qualifying local government; or

(2)  any other basis permitted by 42 U.S.C. Section 1396b(w)(3).

(b)  This section may not be construed to affect the authority of a qualifying local government to assess or use mandatory payments in the manner authorized by the laws applicable to the health care provider participation program administered by the qualifying local government.

(c)  The aggregate amount of the mandatory payments required of all paying providers in the health care provider participation program administered by the qualifying local government may not exceed six percent of the aggregate net patient revenue from hospital services provided in the qualifying local government's jurisdiction.

(d)  This section does not authorize a qualifying local government to assess a mandatory payment that would qualify as a bed tax or any other tax under the laws of this state.

Sec. 300B.0004.  ADDITIONAL REPORTING. The governing body of a qualifying local government that is unable to assess mandatory payments in a manner consistent with the requirements of 42 U.S.C. Section 1396b(w) and 42 C.F.R. Section 433.68 using information reported to the governing body by an institutional health care provider may require the institutional health care provider to submit additional information to the governing body as necessary to ensure mandatory payments are assessed in a manner consistent with those requirements.

Sec. 300B.0005.  REQUEST FOR CERTAIN RELIEF. (a) The governing body of a qualifying local government may request that the Health and Human Services Commission submit a request to the Centers for Medicare and Medicaid Services for relief under 42 C.F.R. Section 433.72 for purposes of assuring the qualifying local government's health care provider participation program is administered efficiently, transparently, and in a manner that complies with federal law.

(b)  If the request for relief under Subsection (a) is granted, the qualifying local government may act in compliance with the terms of the relief. To the extent of a conflict between the terms of the relief and another law, including a provision of this subtitle requiring mandatory payments be assessed in a uniform or broad-based manner, the terms of the relief prevail.

Sec. 300B.0006.  INTEREST AND PENALTIES. A qualifying local government may impose and collect interest and penalties on delinquent mandatory payments assessed by the qualifying local government under the health care provider participation program it administers in any amount that does not exceed the maximum amount authorized for other payments that are owed to the qualifying local government and are delinquent.

SECTION 10.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.