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By:  LaMantia S.B. No. 2193

A BILL TO BE ENTITLED

AN ACT

relating to the operation and financing of the federally qualified health center primary care access program to provide primary care access to persons in this state.

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

SECTION 1.  Subtitle C, Title 2, Health and Safety Code, is amended by adding Chapter 76 to read as follows:

CHAPTER 76 FEDERALLY QUALIFIED HEALTH CENTER PRIMARY CARE ACCESS PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 76.001.  PURPOSE. The purpose of this chapter is to:

(1)  increase access to primary care services for low-income or at-risk Texans at federally qualified health centers;

(2)  improve the health of employees of participating employers and their dependents by improving the employees' and their dependents' access to health care;

(3)  contribute to economic development by helping small businesses remain competitive with a healthy workforce and health care benefits that will attract employees; and

(4)  encourage innovative solutions for providing and funding health care services and benefits.

Sec. 76.002.  DEFINITIONS. In this chapter:

(1)  "Employee" means an individual employed by an employer. The term includes a partner of a partnership and the proprietor of a sole proprietorship.

(2)  "Federally qualified health center" means an entity as defined by 42 U.S.C. Section 1396d(l)(2)(B).

(3)  "Federally qualified health center primary care access program" means a program established by a federally qualified health center offering primary care services for the benefit of the employees of participating employers and their dependents under Subchapter B.

(4)  "Participating employer" means an employer who meets the qualifications of the program and has agreed to participate in a federally qualified health center primary care access program.

SUBCHAPTER B. FEDERALLY QUALIFIED HEALTH CENTER PRIMARY CARE ACCESS PROGRAM

Sec. 76.051.  ESTABLISHMENT OF PROGRAM. A federally qualified health center may establish or participate in a federally qualified health center primary care access program under this subchapter.

Sec. 76.052.  GOVERNANCE OF PROGRAM. A federally qualified health center primary care access program shall be operated subject to the direction of the governing board of the participating federally qualified health center.

Sec. 76.053.  OPERATION OF PROGRAM. (a) A federally qualified health center primary care access program provides primary health care services to:

(1)  the employees of participating employers who reside in or whose employer is located within the service area of a participating federally qualified health center. A federally qualified health center primary care access program may also provide services or benefits to the dependents of those employees.

(2)  other uninsured or underinsured groups as determined by the federally qualified health center.

Sec. 76.054.  PARTICIPATION BY EMPLOYERS; SHARE OF COST. (a) A federally qualified health center may establish criteria for participation in a federally qualified health center primary care access program by employers, the employees of the participating employers, and their dependents. The criteria may require that participating employers and employees who receive care through a federally qualified health center primary care access program pay a share of the premium or other cost of the program.

(b)  The federally qualified health center will ensure employees and their dependents are screened for eligibility for other state programs and federal subsidies in the Health Insurance Marketplace and assist in enrolling employees in programs that offer health insurance coverage.

(c)  The federally qualified health center may utilize a health foundation, non-profit, or other funding to support the employer and/or patient share of the program.

Sec. 76.055.  ADDITIONAL FUNDING. (a) A federally qualified health center may accept and use state money made available through an appropriation from the general revenue fund or a gift, grant, or donation from any source to operate the federally qualified health center primary care access program and to provide services or benefits under the program.

(b)  A federally qualified health center shall actively solicit gifts, grants, and donations to:

(1)  fund services and benefits provided under the federally qualified health center primary care access program; and

(2)  reduce the cost of participation in the program for participating employers and their employees.

SUBCHAPTER C. HEALTH CARE SERVICES AND BENEFITS

Sec. 76.101.  PROGRAM OBJECTIVES. (a) Federally qualified health center primary care access programs must be developed, to the extent practicable, to:

(1)  reduce the number of individuals without primary care access who reside in or whose employer is located within the service area of the federally qualified health center;

(2)  address rising health care costs and reduce the cost of health care services for small employers and their employees who reside in or whose employer is located within the service area of the federally qualified health center;

(3)  promote preventive care and reduce the incidence of preventable health conditions, such as heart disease, cancer, and diabetes and low birth weight in infants;

(4)  promote efficient and collaborative delivery of health care services;

(5)  serve as a model for the innovative use of health information technology to promote efficient delivery of health care services, reduce health care costs, and improve the health of the community; and

(6)  provide fair payment rates for health care providers.

Sec. 76.102.  HEALTH CARE SERVICES. (a) A federally qualified health center primary care access program shall provide primary health care services directly to the employees of participating employers and the dependents of those employees.

(b)  A federally qualified health center may require that participating employees and dependents obtain primary health care services provided under a federally qualified health center primary care access program only from health care providers at the federally qualified health center.

(c)  A federally qualified health center that operates a federally qualified health center primary care access program under this section is not an insurer or health maintenance organization and the program is not subject to regulation by the Texas Department of Insurance.

SUBCHAPTER E. GRANTS FOR DEMONSTRATION PROJECTS

Sec. 76.201.  GRANT PROGRAM. (a) The Texas Department of Insurance, in collaboration with the Texas Health and Human Services, shall develop a grant program to support the initial establishment and operation of federally qualified health center primary care access programs as demonstration projects, subject to the appropriation of money for this purpose.

(b)  In selecting grant recipients, the Texas Department of Insurance shall consider the extent to which the federally qualified health center primary care access program proposed by the applicant accomplishes the purposes of this chapter and meets the objectives established under Section 76.101.

(c)  The Texas Department of Insurance shall establish performance objectives for a grant recipient and shall monitor the performance of the grant recipient.

(d)  In addition to money appropriated by the legislature, the Texas Department of Insurance may accept gifts, grants, or donations from any source to administer and finance the federally qualified health center primary care access program.

Sec. 76.202.  REVIEW OF DEMONSTRATION PROJECT; REPORT. Not later than December 1, 2026, the Texas Department of Insurance shall complete a review of each federally qualified health center primary care access program that receives a grant under this subchapter and shall submit to the governor, the lieutenant governor, and the speaker of the house of representatives a report that includes:

(1)  an evaluation of the success of the federally qualified health center primary care access program in accomplishing the purposes of this chapter; and

(2)  the Texas Department of Insurance's recommendations for any legislation needed to facilitate or improve the federally qualified health center primary care access program.

SECTION 2.  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.