

1 AN ACT

2 relating to programs established and operated by federally
3 qualified health centers to provide primary care access to certain
4 employees.

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

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

8 CHAPTER 76. FEDERALLY QUALIFIED HEALTH CENTER PRIMARY CARE ACCESS
9 PROGRAM

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 76.001. PURPOSES. The purposes of this chapter are to:

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

15 (2) improve the health of the employees of
16 participating employers and their families by improving access to
17 health care;

18 (3) contribute to economic development by assisting
19 small businesses in remaining competitive through employment of a
20 healthy workforce and provision of health care benefits that
21 attract employees; and

22 (4) encourage innovative solutions for providing and
23 funding health care services and benefits for participating
24 employees.

1 Sec. 76.002. DEFINITIONS. In this chapter:

2 (1) "Department of insurance" means the Texas
3 Department of Insurance.

4 (2) "Employee" means an individual who is employed by
5 an employer for compensation. The term includes a partner of a
6 partnership and a proprietor of a sole proprietorship.

7 (3) "Federally qualified health center" has the
8 meaning assigned by 42 U.S.C. Section 1396d(1)(2)(B).

9 (4) "Program" means a primary care access program a
10 federally qualified health center establishes and operates under
11 this chapter.

12 SUBCHAPTER B. PRIMARY CARE ACCESS PROGRAM

13 Sec. 76.051. ESTABLISHMENT AND OPERATION OF PROGRAM. (a) A
14 federally qualified health center may establish and operate a
15 primary care access program for the provision of primary care
16 services and benefits directly to the employees of participating
17 employers and their dependents within the service area of the
18 federally qualified health center.

19 (b) A program operated under this chapter shall, within the
20 service area of the federally qualified health center and to the
21 extent practicable:

22 (1) reduce the number of individuals who lack access
23 to primary care services;

24 (2) reduce the cost of primary care services for small
25 business employers and their employees;

26 (3) promote preventive care and reduce the incidence
27 of preventable health conditions, such as heart disease, cancer,

1 diabetes, and low birth weight in infants;

2 (4) promote efficient and collaborative delivery of
3 primary care services;

4 (5) serve as a model for the innovative use of health
5 information technology; and

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

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

12 (d) A federally qualified health center that operates a
13 program under this subchapter is not subject to regulation by the
14 department of insurance as an insurer or health maintenance
15 organization.

16 Sec. 76.052. PARTICIPATION BY EMPLOYERS; SHARE OF COST.

17 (a) A federally qualified health center may establish program
18 participation criteria for employers, employees of the employer,
19 and the employees' dependents.

20 (b) A federally qualified health center may:

21 (1) require participating employers and their
22 employees to pay a share of the premium or other cost of the primary
23 care services;

24 (2) contract with a health foundation or other
25 nonprofit organization to support payment of the employer's or
26 employee's share under Subdivision (1); and

27 (3) screen employees and their dependents for

1 eligibility to enroll in other state programs and for federal
2 subsidies in the health insurance marketplace.

3 Sec. 76.053. FUNDING. (a) In addition to grants awarded
4 under Subchapter C, a federally qualified health center may accept
5 gifts, grants, or donations from any source to administer and
6 finance the program.

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

9 (1) fund primary care services and benefits provided
10 under the program; and

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

13 SUBCHAPTER C. PRIMARY CARE ACCESS GRANT PROGRAM

14 Sec. 76.101. GRANT PROGRAM. (a) The department of
15 insurance, in collaboration with the commission, shall establish
16 and administer a grant program to award grants to federally
17 qualified health centers operating a program under this chapter.

18 (b) In awarding a grant under this section, the department
19 of insurance shall consider whether the program will accomplish the
20 purposes of this chapter and meet the objectives established under
21 Section 76.051(b).

22 (c) The department of insurance shall establish performance
23 objectives for a grant recipient and monitor whether the recipient
24 meets those objectives.

25 (d) In addition to money appropriated by the legislature,
26 the department of insurance may accept gifts, grants, or donations
27 from any source to administer and finance the grant program.

1 Sec. 76.102. REPORT. Not later than December 1 of each
2 even-numbered year, the department of insurance and the commission
3 shall jointly submit to the governor, the lieutenant governor, and
4 the speaker of the house of representatives a report:

5 (1) evaluating the success of the program in
6 accomplishing the purposes of this chapter; and

7 (2) recommending any legislative or other action
8 necessary to facilitate or improve the program.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2193 passed the Senate on April 27, 2023, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

I hereby certify that S.B. No. 2193 passed the House on May 5, 2023, by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor