

By: LaMantia

S.B. No. 2193

A BILL TO BE ENTITLED

1 AN ACT

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

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. PURPOSE. The purpose of this chapter is to:

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

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

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

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

22 Sec. 76.002. DEFINITIONS. In this chapter:

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

1 proprietor of a sole proprietorship.

2 (2) "Federally qualified health center" means an
3 entity as defined by 42 U.S.C. Section 1396d(1)(2)(B).

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

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

13 SUBCHAPTER B. FEDERALLY QUALIFIED HEALTH CENTER PRIMARY CARE

14 ACCESS PROGRAM

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

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

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

26 (1) the employees of participating employers who
27 reside in or whose employer is located within the service area of a

1 participating federally qualified health center. A federally
2 qualified health center primary care access program may also
3 provide services or benefits to the dependents of those employees.

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

6 Sec. 76.054. PARTICIPATION BY EMPLOYERS; SHARE OF COST.

7 (a) A federally qualified health center may establish criteria for
8 participation in a federally qualified health center primary care
9 access program by employers, the employees of the participating
10 employers, and their dependents. The criteria may require that
11 participating employers and employees who receive care through a
12 federally qualified health center primary care access program pay a
13 share of the premium or other cost of the program.

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

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

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

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

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

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

7 SUBCHAPTER C. HEALTH CARE SERVICES AND BENEFITS

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

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

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

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

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

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

27 (6) provide fair payment rates for health care

1 providers.

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

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

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

16 SUBCHAPTER E. GRANTS FOR DEMONSTRATION PROJECTS

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

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

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

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

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

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

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

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