

By: Dukes

H.B. No. 584

A BILL TO BE ENTITLED

AN ACT

relating to health benefits coverage for certain persons under the child health plan, medical assistance, and other programs.

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

SECTION 1. Section 62.101(b), Health and Safety Code, is amended to read as follows:

(b) The commission shall establish income eligibility levels consistent with Title XXI, Social Security Act (42 U.S.C. Section 1397aa et seq.), as amended, and any other applicable law or regulations, and subject to the availability of appropriated money, so that a child who is younger than 19 years of age and whose net family income is at or below 300 [~~200~~] percent of the federal poverty level is eligible for health benefits coverage under the program. In addition, the commission may establish eligibility standards regarding the amount and types of allowable assets for a family whose net family income is above 150 percent of the federal poverty level.

SECTION 2. Subtitle C, Title 2, Health and Safety Code, is amended by adding Chapter 65 to read as follows:

CHAPTER 65. DEMONSTRATION PROJECT TO PROVIDE HEALTH BENEFITS PLAN

COVERAGE TO CERTAIN PARENTS

Sec. 65.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

1 (2) "Executive commissioner" means the executive
2 commissioner of the Health and Human Services Commission.

3 Sec. 65.002. NOT AN ENTITLEMENT. This chapter does not
4 establish an entitlement to assistance in obtaining health
5 benefits.

6 Sec. 65.003. HEALTH BENEFITS PLAN COVERAGE FOR CERTAIN
7 PARENTS. (a) The executive commissioner shall develop and seek a
8 waiver under Section 1115 of the federal Social Security Act (42
9 U.S.C. Section 1315) to implement a demonstration project to
10 provide health benefits plan coverage to an individual who:

11 (1) is the parent of a child receiving medical
12 assistance under Chapter 32, Human Resources Code, or of a child
13 enrolled in the child health plan under Chapter 62;

14 (2) has a net family income, as defined by Section
15 62.002, that is equal to or less than 300 percent of the federal
16 poverty level;

17 (3) is not eligible for medical assistance; and

18 (4) is not covered by a health benefits plan offering
19 adequate benefits, as determined by the commission.

20 (b) The demonstration project developed under this section
21 must be designed and administered in a manner that:

22 (1) qualifies for federal funding; and

23 (2) is, to the extent practical, substantively
24 identical to the manner in which the child health plan program is
25 administered under Chapter 62, except as otherwise provided by this
26 chapter.

27 Sec. 65.004. COST-SHARING REQUIREMENTS. The commission

1 shall require that an individual provided health benefits plan
2 coverage under this chapter pay:

- 3 (1) 100 percent of the plan premium; and
4 (2) deductibles, coinsurance, or other cost-sharing
5 payments as determined by the executive commissioner.

6 Sec. 65.005. BENEFITS COVERAGE REQUIRED. To the extent
7 possible, a health benefits plan offered under this chapter must
8 provide benefits similar to the benefits provided under the child
9 health plan program under Section 62.151.

10 Sec. 65.006. CROWD-OUT. To the extent allowed by federal
11 law, the demonstration project under this chapter must include
12 provisions designed to discourage:

13 (1) employers and other persons from electing to
14 discontinue offering health benefits plan coverage for individuals
15 under employee or other group health benefit plans; and

16 (2) individuals with access to adequate health benefit
17 plan coverage, other than coverage under the health benefits plan
18 offered under this chapter, from electing to not obtain, or to
19 discontinue, that coverage.

20 Sec. 65.007. RULES. The executive commissioner shall adopt
21 rules as necessary to implement the demonstration project under
22 this chapter.

23 SECTION 3. Section 32.024(i), Human Resources Code, as
24 amended by Chapters 198 (H.B. 2292) and 1251 (S.B. 1862), Acts of
25 the 78th Legislature, Regular Session, 2003, is reenacted and
26 amended to read as follows:

27 (i) The [~~Subject to appropriated state funds, the~~]

1 department in its adoption of rules shall establish a medically
2 needy program that serves pregnant women, children, and caretakers
3 who have high medical expenses. At a minimum, the program must
4 serve recipients, including adult recipients, in the same manner
5 and at the same level that services were provided to recipients
6 under the medically needy program during the state fiscal biennium
7 ending August 31, 2003.

8 SECTION 4. Section 32.0261, Human Resources Code, is
9 amended to read as follows:

10 Sec. 32.0261. CONTINUOUS ELIGIBILITY. The department
11 shall adopt rules in accordance with 42 U.S.C. Section
12 1396a(e)(12), as amended, to provide for a period of continuous
13 eligibility for a child under 19 years of age who is determined to
14 be eligible for medical assistance under this chapter. The rules
15 shall provide that the child remains eligible for medical
16 assistance, without additional review by the department and
17 regardless of changes in the child's resources or income, until the
18 earlier of:

19 (1) the first anniversary of [~~end of the six-month~~
20 ~~period following~~] the date on which the child's eligibility was
21 determined; or

22 (2) the child's 19th birthday.

23 SECTION 5. (a) In this section:

24 (1) "Child health plan program" means the state child
25 health plan program established under Chapter 62, Health and Safety
26 Code.

27 (2) "Commission" means the Health and Human Services

1 Commission.

2 (3) "Executive commissioner" means the executive
3 commissioner of the Health and Human Services Commission.

4 (4) "Medicaid" means the medical assistance program
5 under Chapter 32, Human Resources Code.

6 (b) Not later than September 1, 2010, the executive
7 commissioner by rule shall develop a strategic plan designed to:

8 (1) intensify community outreach and education
9 relating to the availability of benefits under the child health
10 plan and Medicaid programs; and

11 (2) reduce the paperwork and other administrative
12 burdens associated with determining eligibility for and enrolling
13 eligible individuals in the child health plan and Medicaid
14 programs.

15 (c) Not later than September 1, 2011, the commission shall
16 implement the plan developed under Subsection (b) of this section.

17 SECTION 6. As soon as practicable after the effective date
18 of this Act, the executive commissioner of the Health and Human
19 Services Commission shall apply for and actively pursue the waiver
20 from the federal Centers for Medicare and Medicaid Services or any
21 other federal agency required by Section 65.003, Health and Safety
22 Code, as added by this Act. The commission may delay implementing
23 Chapter 65, Health and Safety Code, as added by this Act, until the
24 waiver applied for under this section is granted.

25 SECTION 7. Not later than October 1, 2009, the executive
26 commissioner of the Health and Human Services Commission shall
27 adopt rules as necessary under Section 32.024(i), Human Resources

1 Code, as amended by Chapters 198 (H.B. 2292) and 1251 (S.B. 1862),
2 Acts of the 78th Legislature, Regular Session, 2003, and this Act,
3 that, to the extent possible, are substantively identical to the
4 rules relating to the medically needy program that were in effect on
5 August 31, 2003.

6 SECTION 8. If before implementing any provision of this Act
7 a state agency determines that a waiver or authorization from a
8 federal agency, other than the waiver required by Section 65.003,
9 Health and Safety Code, as added by this Act, is necessary for
10 implementation of that provision, the agency affected by the
11 provision shall request the waiver or authorization and may delay
12 implementing that provision until the waiver or authorization is
13 granted.

14 SECTION 9. This Act takes effect September 1, 2009.