SENATE AMENDMENTS

2nd Printing

H.B. No. 103

By: Brown of Brazos

	A BILL TO BE ENTITLED
1	AN ACT
2	relating to the operation of certain health benefit plans through
3	student health centers of certain institutions of higher education.
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5	SECTION 1. The heading to Section 51.953, Education Code,
6	is amended to read as follows:
7	Sec. 51.953. [CERTAIN REVENUE RECEIVED FROM] STUDENT HEALTH
8	CENTER [SERVICES].
9	SECTION 2. Section 51.953, Education Code, is amended by
LO	adding Subsections (c), (d), (e), (f), (g), and (h) to read as
1.1	follows:
L2	(c) A student health center of an institution of higher
L3	education with a total student enrollment of more than 8,000
L 4	students in one or more semesters of the preceding academic year
L5	shall assist a student or other person entitled to obtain health
L6	care services through the health center in receiving benefits under
L7	a health benefit plan in which the student or other person is an
L8	enrollee by filing or having a claim filed with the issuer of the
L9	health benefit plan on behalf of the student or other person. The
20	institution may contract with a third-party billing service to
21	provide the assistance required by this subsection.
22	(d) An institution of higher education, on behalf of the
23	institution's student health center, may contract with a health
24	benefit plan issuer that engages in the business of insurance in the

- 1 <u>health service region established</u> by the Department of State Health
- 2 Services in which the institution is located to provide a health
- 3 benefit plan under which health care services are provided to
- 4 students or other persons entitled to obtain health care services
- 5 through the student health center who are covered by the plan.
- 6 (e) An institution of higher education must enter into
- 7 contracts with at least three of the largest health benefit plan
- 8 <u>issuers</u> that engage in the business of insurance in the health
- 9 service region established by the Department of State Health
- 10 Services in which the institution is located under which the
- 11 <u>institution's student health center:</u>
- 12 <u>(1) serves as a preferred provider under the preferred</u>
- 13 provider benefit plans operated by the issuers; or
- (2) operates as a provider of in-network coverage
- 15 under the health maintenance organizations operated by the issuers.
- 16 (f) An institution of higher education may authorize the
- 17 <u>institution's student health center to accept a student's medical</u>
- 18 services fee, as charged by the institution under Chapter 54, as
- 19 payment toward:
- 20 <u>(1) a copayment;</u>
- 21 (2) a deductible; or
- 22 (3) a charge for a service not covered by the student's
- 23 health benefit plan.
- 24 (g) Money received by the student health center as a result
- 25 of a claim filed by or on behalf of a student through a health
- 26 benefit plan shall be retained for use by the student health center.
- (h) Not later than January 15 of each year, the governing

H.B. No. 103

- 1 board of an institution of higher education shall report to the
- 2 legislature the amount of the following sources of income for
- 3 funding the institution's student health center:
- 4 (1) money received from student fees and charges;
- 5 (2) money received from the operation of the student
- 6 health center's pharmacy;
- 7 (3) money received as a result of a claim filed by or
- 8 on behalf of the institution's student health center under a health
- 9 benefit plan sponsored by or administered on behalf of the
- 10 institution; and
- 11 (4) money received as a result of a claim filed by or
- 12 on behalf of the institution's student health center under a health
- 13 benefit plan other than a plan sponsored by or administered on
- 14 <u>behalf of the institution.</u>
- 15 SECTION 3. This Act takes effect September 1, 2009.

MAY 2 7 2009

Actay Daw Secretary of the Senate

By: Brown, Fred / Patrick

<u>H</u>.B. No. 103

Substitute the following for $\frac{H}{.B}$. No. $\frac{103}{.}$:

By: Melson

C.S.<u>H</u>.B. No. <u>/03</u>

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the operation of certain health benefit plans through

3 student health centers of certain institutions of higher education.

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

5 SECTION 1. The heading to Section 51.953, Education Code,

6 is amended to read as follows:

7 Sec. 51.953. [CERTAIN-REVENUE RECEIVED FROM] STUDENT HEALTH

8 CENTER [SERVICES].

9 SECTION 2. Section 51.953, Education Code, is amended by

10 adding Subsections (c), (d), (e), (f), (g), and (h) to read as

11 follows:

12 (c) A student health center of an institution of higher

13 education with a total student enrollment of more than 20,000

14 students in one or more semesters of the preceding academic year

15 shall assist a student or other person entitled to obtain health

16 care services through the health center in receiving benefits under

17 a health benefit plan in which the student or other person is an

18 enrollee by filing or having a claim filed with the issuer of the

19 health benefit plan on behalf of the student or other person. The

20 institution may contract with a third-party billing service to

21 provide the assistance required by this subsection.

22 (d) An institution of higher education, on behalf of the

23 <u>institution's student health center, may contract with a health</u>

24 benefit plan issuer that engages in the business of insurance in the

health service region established by the Department of State Health

Services in which the institution is located to provide a health

benefit plan under which health care services are provided to

students or other persons entitled to obtain health care services

through the student health center who are covered by the plan.

(e) An institution of higher education must enter into

contracts with at least three of the largest health benefit plan

contracts with at least three of the largest health benefit plan issuers that engage in the business of insurance in the health service region established by the Department of State Health Services in which the institution is located under which the institution's student health center:

12 (1) serves as a preferred provider under the preferred
13 provider benefit plans operated by the issuers; or

14 (2) operates as a provider of in-network coverage 15 under the health maintenance organizations operated by the issuers.

(f) An institution of higher education may authorize the institution's student health center to accept a student's medical services fee, as charged by the institution under Chapter 54, as payment toward:

20 <u>(1) a copayment;</u>

* * ;

21 (2) a deductible; or

22 (3) a charge for a service not covered by the student's 23 health benefit plan.

24 (g) Money received by the student health center as a result
25 of a claim filed by or on behalf of a student through a health
26 benefit plan shall be retained for use by the student health center.

(h) Not later than January 15 of each year, the governing

16

17

18

19

- 1 board of an institution of higher education shall report to the
- 2 legislature the amount of the following sources of income for
- 3 <u>funding the institution's student health center:</u>
- 4 (1) money received from student fees and charges;
- 5 (2) money received from the operation of the student
- 6 health center's pharmacy;
- 7 (3) money received as a result of a claim filed by or
- 8 on behalf of the institution's student health center under a health
- 9 benefit plan sponsored by or administered on behalf of the
- 10 <u>institution; and</u>
- 11 (4) money received as a result of a claim filed by or
- 12 on behalf of the institution's student health center under a health
- 13 benefit plan other than a plan sponsored by or administered on
- 14 <u>behalf</u> of the institution.
- SECTION 3. This Act takes effect September 1, 2009.

MAY 2 7 2009

FLOOR AMENDMENT NO. ____ Secretary of the Senate

BY: Que chinh

- 1 Amend C.S.H.B. No. 103 (Senate committee report) as
- 2 follows:
- 3 (1) In SECTION 2 of the bill, in added Section 51.953(e)
- 4 (page 1, line 38), between "education" and "must", insert
- 5 "described by Subsection (c)".
- 6 (2) In SECTION 2 of the bill, in added Section 51.953(h)
- 7 (page 1, line 60), between "education" and "shall", insert
- 8 "described by Subsection (c)".

MAY 2 7 2009

FLOOR AMENDMENT NO. 2

1

Amend H.B. 103 (Senate committee report) by adding the following appropriately numbered SECTIONS to the bill and 2 renumbering subsequent SECTIONS of the bill accordingly: 3 SECTION ____. The heading to Section 51.952, Education 4 5 Code, is amended to read as follows: Sec. 51.952. STUDENT HEALTH INSURANCE AT MEDICAL AND DENTAL 6 7 UNITS. SECTION _____. Subchapter Z, Chapter 51, Education Code, is 8 9 amended by adding Section 51.9521 to read as follows: 10 Sec. 51.9521. STUDENT HEALTH INSURANCE AT GENERAL ACADEMIC TEACHING INSTITUTIONS. (a) In this section: 11 (1) "Health benefit plan" means any health benefit 12 plan regulated under the Insurance Code, including: 13 14 (A) an individual, group, or blanket health insurance policy; or 15 16 (B) an evidence of coverage issued by a health 17 maintenance organization. (2) "High deductible health plan" has the meaning 18 19 assigned by Section 223, Internal Revenue Code of 1986. (3) "General academic teaching institution" and 20 "university system" have the meanings assigned by Section 61.003. 21 22 (b) A general academic teaching institution shall offer or sponsor, directly or through the university system, if any, of 23 which the institution is a component, one or more health benefit 24 plans for the students of the institution. At least one health 25 benefit plan offered under this section must be a high deductible 26 health plan. 27 (c) The institution shall provide each student the option 28 29 to:

(1) enroll in a health benefit plan offered under this

section at the time of the student's registration; and

(2) pay the premium or other charges for coverage

under the plan in the same payment that includes the student's

tuition and fees.

SECTION _____. Section 51.9521, Education Code, as added by

this Act, applies beginning with the 2010 fall semester.

Latery Spaw

floor amendment no. 3

MAY 2 7 2009 BY:

Amend Amendment No. ____ to Screens of the Senate 103 (senate committee

- 2 report), on page 2, line 6, by inserting the following:
- 3 (d) When offering the health benefit plan to students, the
- 4 <u>institution</u> shall collect information from each student that
- 5 declines to accept the coverage offered through the institution,
- 6 including whether the decision to decline coverage was as a
- 7 result of:
- 8 (1) the student' existing health benefit plan coverage
- 9 from another source;
- 10 (2) the cost of the health benefit plan;
- 11 (3) the type of health benefit plan offered by the
- 12 <u>institution; or</u>
- 13 (4) the student does not desire a health benefit plan
- 14 at this time.
- 15 (e) Data collected by the institution may be provided to
- the public in the aggregate.

ADOPTED Wendy 12 / Savis

FLOOR AMENDMENT NO

	Latare Doen
1	Amend HB 103 (senate communities printing) by adding the
2	appropriately numbered SECTIONS to the bill and renumbering
3	subsequent SECTIONS of the bill accordingly:
4	
5	SECTION This Act shall be known as the Jamie
6	Schanbaum Act.
7	SECTION Subchapter Z, Chapter 51, Education Code,
8	is amended by adding Section 51.9192 to read as follows:
9	Sec. 51.9192. BACTERIAL MENINGITIS VACCINATION REQUIRED
10	FOR CERTAIN STUDENTS; EXCEPTIONS. (a) In this section:
11	(1) "Health practitioner" means any person authorized
12	by law to administer an immunization.
13	(2) "Institution of higher education" and "private or
14	independent institution of higher education" have the meanings
15	assigned by Section 61.003.
16	(b) This section applies only to a first-time student of
17	an institution of higher education or private or independent
18	institution of higher education, including a transfer student,
19	who resides in, or has applied for on-campus housing and been
20	approved to reside in, an on-campus dormitory or other on-campus
21	student housing facility at the institution.
22	(c) Except as provided by Subsection (d), a student to
23	whom this section applies or a parent or guardian of the student
24	must provide to the institution, at the time and in the manner
25	prescribed by rules adopted by the Texas Higher Education
26	Coordinating Board, a certificate signed by a health
27	practitioner evidencing that the student has been vaccinated
28	against bacterial meningitis.
29	(d) A student to whom this section applies or a parent or

1 \

- 1 guardian of the student is not required to comply with
- 2 Subsection (c) if the student or a parent or guardian of the
- 3 <u>student submits to the institution:</u>
- 4 (1) an affidavit or a certificate signed by a
- 5 physician who is duly registered and licensed to practice
- 6 <u>medicine in the United States in which it is stated that, in the</u>
- 7 physician's opinion, the vaccination required would be injurious
- 8 to the health and well-being of the student; or
- 9 (2) an affidavit signed by the student stating that
- 10 the student declines the vaccination for bacterial meningitis
- 11 for reasons of conscience, including a religious belief, except
- 12 that the exemption provided by this subdivision does not apply
- 13 during a disaster or public health emergency, terrorist attack,
- 14 hostile military or paramilitary action, or extraordinary law
- 15 enforcement emergency declared by an appropriate official or
- 16 other authority and in effect for the location of the
- 17 institution the student attends.
- 18 (e) The Texas Higher Education Coordinating Board, in
- 19 consultation with institutions of higher education and private
- 20 or independent institutions of higher education, shall adopt
- 21 rules for the administration of this section, including rules
- 22 establishing the date by which a student who is required to
- 23 comply with Subsection (c) must have received the vaccination
- 24 required by that subsection, which may not be later than the
- 25 date the student initially moves into an on-campus dormitory or
- other on-campus student housing facility at an institution.
- 27 SECTION _____. Section 51.9192, Education Code, as added
- 28 by this Act, applies only to first-time students enrolling in
- 29 public or private or independent institutions of higher
- 30 education in this state on or after January 1, 2010.

implement the provision.

9

1	Amend $CSHB103$ by adding the following appropriately
2	numbered SECTION to the bill and renumbering subsequent SECTIONS
3	of the bill appropriately:
4	SECTION This Act does not make an appropriation.
5	A provision in this Act that creates a new governmental program,
6	creates a new entitlement, or imposes a new duty on a
7	governmental entity is not mandatory during a fiscal period for
8	which the legislature has not made a specific appropriation to

ADOPTED

MAY 2 7 2009

Latary Space Secretary of the Senate

13

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB103 by Brown, Fred (Relating to the operation of certain health benefit plans through student health centers of certain institutions of higher education.), As Passed 2nd House

No significant fiscal implication to the State is anticipated.

Under provisions of the bill, the student health center of an institution of higher education with a total student enrollment of more than 20,000 students in one or more semesters of the preceding academic year would be required to assist students by filing or having a claim filed with the health benefit plan issuer on their behalf. An institution of higher education could contract with a health benefit plan issuer to provide health care services under the plan to students. The bill would also require general academic institutions (or system offices, if applicable) to offer at least one "high deductible" health benefit plan to students.

An institution of higher education, on behalf of the institution's student health center, may contract with a health benefit plan issuer that engages in the business of insurance in the health services region established by the Department of State Health Services in which the institution is located to provide a health benefit plan under which health care services are provided to students or other persons entitled to obtain health care services through the student health center who are covered by the plan. An institution would be required to enter into contracts with at least three of the largest health benefit plan issuers that engage in the business of insurance in the health service region established by the Department of State Health Services in which the institution is located under which the institution's student health center serves as a preferred provider under the preferred provider benefit plans operated by the issuers or operates as a provider of in-network coverage under the health maintenance organizations operated by the issuers.

Not later than January 15 of each year, the governing board of each institution of higher education would report to the Legislature the amount and sources of income for the funding the student health center including monies received from student fees and charges, health center pharmacy, claims filed under a health benefit plan sponsored by the institution, and claims filed under health benefit plans not sponsored by the institution. Several institutions indicated there could be additional administrative costs associated with implementing the legislation including filing claims and processing. The University of Texas System has indicated that these costs could be covered by increases in the student medical services fee.

The bill also provides that before registering a student must provide a certificate evidencing that the student has been vaccinated against bacterial meningitis. This section of the bill applies to first-time students, including transfer students, who reside in an on-campus dormitory or housing facility at the institution. A student is not required to comply if an affidavit or a certificate is presented stating that the vaccination would be injurious to the health and well-being of the student or stating that the vaccination has been declined for reasons of conscience. This section of the bill would be known as the Jamie Schanbaum Act. This section would be implemented within current resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 323 Teacher Retirement System, 327 Employees Retirement System, 537 State Health

Services, Department of, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board, 783

University of Houston System Administration

LBB Staff: JOB, CL, KK, RT, GO

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB103 by Brown, Fred (Relating to the operation of certain health benefit plans through student health centers of certain institutions of higher education.), Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

Under provisions of the bill, the student health center of an institution of higher education with a total student enrollment of more than 20,000 students in one or more semesters of the preceding academic year would be required to assist students by filing or having a claim filed with the health benefit plan issuer on their behalf. An institution of higher education could contract with a health benefit plan issuer to provide health care services under the plan to students.

An institution of higher education, on behalf of the institution's student health center, may contract with a health benefit plan issuer that engages in the business of insurance in the health services region established by the Department of State Health Services in which the institution is located to provide a health benefit plan under which health care services are provided to students or other persons entitled to obtain health care services through the student health center who are covered by the plan. An institution would be required to enter into contracts with at least three of the largest health benefit plan issuers that engage in the business of insurance in the health service region established by the Department of State Health Services in which the institution is located under which the institution's student health center serves as a preferred provider under the preferred provider benefit plans operated by the issuers or operates as a provider of in-network coverage under the health maintenance organizations operated by the issuers.

Not later than January 15 of each year, the governing board of each institution of higher education would report to the Legislature the amount and sources of income for the funding the student health center including monies received from student fees and charges, health center pharmacy, claims filed under a health benefit plan sponsored by the institution, and claims filed under health benefit plans not sponsored by the institution. Several institutions indicated there could be additional administrative costs associated with implementing the legislation including filing claims and processing. The University of Texas System has indicated that these costs could be covered by increases in the student medical services fee.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 323 Teacher Retirement System, 327 Employees Retirement System, 537 State Health

Services, Department of, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board, 783

University of Houston System Administration

LBB Staff: JOB, CL, KK, RT, GO

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 18, 2009

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB103 by Brown, Fred (Relating to the operation of certain health benefit plans through student health centers of certain institutions of higher education.), As Engrossed

No significant fiscal implication to the State is anticipated.

Under provisions of the bill, the student health center of an institution of higher education with a total student enrollment of more than 8,000 students in one or more semesters of the preceding academic year would be required to assist students by filing or having a claim filed with the health benefit plan issuer on their behalf. An institution of higher education could contract with a health benefit plan issuer to provide health care services under the plan to students.

An institution of higher education, on behalf of the institution's student health center, may contract with a health benefit plan issuer that engages in the business of insurance in the health services region established by the Department of State Health Services in which the institution is located to provide a health benefit plan under which health care services are provided to students or other persons entitled to obtain health care services through the student health center who are covered by the plan. An institution would be required to enter into contracts with at least three of the largest health benefit plan issuers that engage in the business of insurance in the health service region established by the Department of State Health Services in which the institution is located under which the institution's student health center serves as a preferred provider under the preferred provider benefit plans operated by the issuers or operates as a provider of in-network coverage under the health maintenance organizations operated by the issuers.

Not later than January 15 of each year, the governing board of each institution of higher education would report to the Legislature the amount and sources of income for the funding the student health center including monies received from student fees and charges, health center pharmacy, claims filed under a health benefit plan sponsored by the institution, and claims filed under health benefit plans not sponsored by the institution. Several institutions indicated there could be additional administrative costs associated with implementing the legislation including filing claims and processing. The University of Texas System has indicated that these costs could be covered by increases in the student medical services fee.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 323 Teacher

323 Teacher Retirement System, 327 Employees Retirement System, 537 State Health Services, Department of, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board, 783

University of Houston System Administration

LBB Staff: JOB, CL, KK, RT, GO

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 24, 2009

TO: Honorable Dan Branch, Chair, House Committee on Higher Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB103 by Brown, Fred (relating to the operation of certain health benefit plans through student health centers of certain instituitions of higher education.), Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

Under provisions of the bill, the student health center of an institution of higher education with a total student enrollment of more than 5,000 students in one or more semesters of the preceding academic year would be required to assist students by filing or having a claim filed with the health benefit plan issuer on their behalf. An institution of higher education could contract with a health benefit plan issuer to provide health care services under the plan to students.

An institution of higher education, on behalf of the institution's student health center, may contract with a health benefit plan issuer that engages in the business of insurance in the health services region established by the Department of State Health Services in which the institution is located to provide a health benefit plan under which health care services are provided to students or other persons entitled to obtain health care services through the student health center who are covered by the plan. An institution would be required to enter into contracts with at least three of the largest health benefit plan issuers that engage in the business of insurance in the health service region established by the Department of State Health Services in which the institution is located under which the institution's student health center serves as a preferred provider under the preferred provider benefit plans operated by the issuers or operates as a provider of in-network coverage under the health maintenance organizations operated by the issuers.

Not later than January 15 of each year, the governing board of each institution of higher education would report to the Legislature the amount and sources of income for the funding the student health center including monies received from student fees and charges, health center pharmacy, claims filed under a health benefit plan sponsored by the institution, and claims filed under health benefit plans not sponsored by the institution. Several institutions indicated there could be additional administrative costs associated with implementing the legislation including filing claims and processing. The University of Texas System has indicated that these costs could be covered by increases in the student medical services fee.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 323 Teacher Retirement System, 327 Employees Retirement System, 537 State Health

Services, Department of, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board, 783

University of Houston System Administration

LBB Staff: JOB, KK, RT, GO

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 23, 2009

TO: Honorable Dan Branch, Chair, House Committee on Higher Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB103 by Brown, Fred (Relating to the operation of a student health center of an institution of higher education.), As Introduced

No significant fiscal implication to the State is anticipated.

Under provisions of the bill, the student health center of an institution of higher education would be required to assist students by filing or having a claim filed with the health benefit plan issuer on their behalf. An institution of higher education could contract with a health benefit plan issuer to provide health care services under the plan to students. Not later than January 15 of each year, the governing board of each institution of higher education would report to the Legislature the amount and sources of income for the funding the student health center including monies received from student fees and charges, health center pharmacy, claims filed under a health benefit plan sponsored by the institution, and claims filed under health benefit plans not sponsored by the institution. Several institutions indicated there could be additional administrative costs associated with implementing the legislation including filing claims and processing. The University of Texas System has indicated that these costs could be covered by increases in the student medical services fee.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 720 The University of Texas System Administration, 758 Texas State University

System, 768 Texas Tech University System Administration, 769 University of North

Texas System Administration, 781 Higher Education Coordinating Board

LBB Staff: JOB, KK, RT, GO