

By: Nelson

S.B. No. 1057

A BILL TO BE ENTITLED

AN ACT

relating to information about private health care insurance coverage and the health insurance exchange for individuals applying for certain Department of State Health Services health or mental health benefits, services, and assistance.

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

SECTION 1. Subchapter D, Chapter 1001, Health and Safety Code, is amended by adding Sections 1001.080 and 1001.081 to read as follows:

Sec. 1001.080. HEALTH INSURANCE COVERAGE INFORMATION.

(a) In this section, "individual's legally authorized representative" means:

(1) a parent, managing conservator, or guardian of an individual, if the individual is a minor;

(2) a guardian of an individual, if the individual has been adjudicated incompetent to manage the individual's personal affairs; or

(3) an agent of the individual authorized under a durable power of attorney for health care.

(b) This section applies to health or mental health benefits, services, or assistance provided by the department that the department anticipates will be impacted by a health insurance exchange as defined by Section 1001.081(a), including:

(1) community primary health care services provided

under Chapter 31;

(2) women's and children's health services provided under Chapter 32;

(3) services for children with special health care needs provided under Chapter 35;

(4) epilepsy program assistance provided under Chapter 40;

(5) hemophilia program assistance provided under Chapter 41;

(6) kidney health care services provided under Chapter 42;

(7) human immunodeficiency virus infection and sexually transmitted disease prevention programs and services provided under Chapter 85;

(8) immunization programs provided under Chapter 161;

(9) programs and services provided by the Rio Grande State Center under Chapter 252;

(10) mental health services for adults provided under Chapter 534;

(11) mental health services for children provided under Chapter 534;

(12) the NorthSTAR Behavioral Health Program provided under Chapter 534;

(13) programs and services provided by community mental health hospitals under Chapter 552;

(14) programs and services provided by state mental health hospitals under Chapter 552; and

1 (15) any other health or mental health program or
2 service designated by the department.

3 (c) Subject to Subsection (d), the department may not
4 provide health or mental health benefits, services, or assistance
5 described in Subsection (b) unless the individual applying to
6 receive the benefits, services, or assistance submits to the
7 department on the form prescribed by the department:

8 (1) a statement by the individual or the individual's
9 legally authorized representative attesting that the individual
10 does not have access to private health care insurance that provides
11 coverage for the benefit, service, or assistance; or

12 (2) if the individual has access to private health
13 care insurance that provides coverage for the benefit, service, or
14 assistance, the information and authorization necessary for the
15 department to submit a claim for reimbursement from the insurer for
16 the benefit, service, or assistance.

17 (d) The department may waive the prohibition under
18 Subsection (c) for an individual or for health or mental health
19 benefits, services, or assistance described in Subsection (b) if
20 the department determines that a benefit, service, or assistance is
21 necessary during a crisis or emergency.

22 (e) The executive commissioner shall adopt rules necessary
23 to implement this section.

24 Sec. 1001.081. HEALTH INSURANCE EXCHANGE INFORMATION.

25 (a) In this section:

26 (1) "Health insurance exchange" means an American
27 Health Benefit Exchange administered by the federal government

1 under 42 U.S.C. Section 18041 or created under 42 U.S.C. Section
2 18031.

3 (2) "Individual's legally authorized representative"
4 has the meaning assigned by Section 1001.080(a).

5 (b) The department may develop informational materials
6 regarding health care insurance coverage and subsidies available
7 under a health insurance exchange.

8 (c) The department shall provide the informational
9 materials regarding health care insurance coverage and subsidies
10 available under a health insurance exchange to an individual or the
11 individual's legally authorized representative who:

12 (1) applies to receive health or mental health
13 benefits, services, or assistance described in Section
14 1001.080(b); and

15 (2) has an income above 100 percent of the federal
16 poverty level.

17 (d) The executive commissioner shall adopt rules necessary
18 to implement this section.

19 SECTION 2. As soon as practicable after the effective date
20 of this Act, the Department of State Health Services shall
21 prescribe the form required by Section 1001.080, Health and Safety
22 Code, as added by this Act.

23 SECTION 3. As soon as possible after the effective date of
24 this Act, the Health and Human Services Commission shall apply for
25 any waiver or other authorization necessary to implement this Act.
26 The commission may delay implementing this Act until the waiver or
27 authorization is granted.

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2013.