

Legislative Update for 2010-2011

Human Services Committee: **Jane Nelson**, Bob Deuell, Joan Huffman, Robert Nichols, Dan Patrick, Eliot Shapleigh, Carlos Uresti, Royce West, Judith Zaffirini

House Insurance: **John T. Smithee**, Trey Martinez Fischer, Joe Deshotel, Craig Eiland, Kelly Hancock, Todd Hunter, Larry Taylor, Senfronia Thompson

Public Health: **Lois W. Kolkhorst**, Elliot Naishtat, Granet Coleman, John Davis, Veronica Gonzales, Chuck Hopson, Susan King, Jodie Laubenberg, Jim McReynolds, Vicki Truitt, John Zerwas

Committee Meetings

Date	Location	Content
November 23, 2010 9:00 a.m.	Capital Extension Bldg Room E1.030, Austin	The committee will meet jointly with the Senate Health and Human Services Committee to take up the following interim charge: #1 Upon passage of federal legislation relating to reform of the health care industry and health insurance industry, study the implications of such legislation on Texas, the health care industry and public and private insurance. Study and monitor the implementation of the insurance regulatory changes, changes to high risk pool and any other insurance mandates. Study the health care policy changes and the impact to Medicaid and CHIP programs and the state budget. Assess the impact to all state uninsured and uncompensated care programs and county programs for the uninsured, including county property tax programs to pay for the uninsured. Make recommendations for the efficient implementation of programs.

Bill Number	Date Filed	Brief Description	Effective Date	Applicable to Chapter 172	Comments
TX82RHB 32/Creighton	11.08.10	Relating to the prohibition of required health insurance coverage. No resident, regardless of whether he has or is eligible for health insurance coverage under any policy or program provided by or through his employer, or a plan sponsored by the state or the federal government, shall be required to obtain or maintain a policy of individual insurance coverage except as required by a court or a governmental agency or department where any individual is named a party in a judicial or administrative proceeding. No provision of this title shall render a resident of this state liable for any penalty, assessment, fee, or fine as a result of his failure to procure or obtain health insurance coverage	September 1, 2011		Revenue Impact
TX82RHB 210/Alonzo	11.08.10	Relating to the coverage by certain health benefit plans of mammograms performed by certain health care providers. Applies to health benefit plans for individual or group policies. A health benefit plan that provides coverage to a female who is 35 years of age or older must include coverage for an annual screening by low-dose mammography for the presence of occult breast cancer.	September 1, 2011	N/A	Mandated Benefit

Bill Number	Date Filed	Brief Description	Effective Date	Applicable to Chapter 172	Comments
HB 28/Guillen	11.08.10	Relating to reimbursement for health care services provided at certain times to persons enrolled in the Medicaid managed care program. Commission shall ensure that a federally qualified health center, physician office, rural health clinic, or municipal health department's public clinic is reimbursed for health care services provided to a recipient outside of regular business hours including weekend or holiday at a rate that is equal to the allowable rate for services during normal business hours.	September 1, 2011	N/A	
HB 70/Martinez	11.08.10	Relating to telemedicine medical services, telehealth services, and home telemonitoring services provided to certain Medicaid recipients	September 1, 2011	N/A	
HB 97/Paxton	11.08.10	Relating to creation of the Health Freedom Act. The power to require an individual to ensure that the individual, and any dependent of the individual is covered by health insurance coverage, or to impose a penalty or sanction for the failure to ensure that coverage, is not found in the Constitution of the US of America and is a power reserved to the people under the ninth amendment and to the several states under the tenth amendment	Immediately after a vote	N/A	
HB 118/McClendon	11.08.10	Relating to requiring the provision of notice by certain hospitals regarding patients' medical records and the disposal of medical records	September 1, 2011	N/A	
HB 124/Legler	11.08.10	Relating to payment for health care services and participation in a health care system.	September 1, 2011	N/A	
HB 194/Walle	11.08.10	Relating to prohibiting the use of credit scoring in certain lines of personal insurance. Concern with underwriting guidelines that are based wholly or partly on the credit information, credit report or credit score of a covered individual	September 1, 2011	N/A	
HB 203/Hughes	11.08.10	Relating to payment for health care services and participation in health care system.	September 1, 2011	N/A	
HB 208/Alonzo	11.08.10	Relating to prohibition of certain insurance discrimination for gender identify or sexual orientation	September 1, 2011	N/A	
HB 210/Alonzo	11.08.10	Relating to the coverage by certain health benefit plans of mammograms performed by certain health care providers female who is 35 years of age or older must include coverage for an annual screening	September 1, 2011	N/A	
HB 286/Lucio III	11.15.10	Relating to the care of elementary and secondary school students with food or other life-threatening allergies.	September 1, 2011	N/A	
HJR 24/Paxton	11.08.10	A Joint Resolution proposing a constitutional amendment relating to the rights of individuals to choose or decline to choose to purchase health insurance coverage	Admitted to voters on November 8, 2011	N/A	
HJR27/Legler	11.08.10	A Joint Resolution proposing a constitutional	Admitted to	N/A	

Bill Number	Date Filed	Brief Description	Effective Date	Applicable to Chapter 172	Comments
		amendment authorizing certain payment for health care services and prohibiting requiring participation in a health care system	voters on November 8, 2011		
HJR 30/Laubenberg	11.08.10	A Joint Resolution proposing a constitutional amendment authorizing certain payment for health care services and prohibiting requiring participation in a health care system	Admitted to voters on November 8, 2011	N/A	
SB 120/Uresti	11.08.10	Relating to requiring dental support for a child subject to a child support order. Dental support means periodic payments or a lump-sum payment made under an order to cover dental expenses, including dental insurance coverage, incurred for the benefit of a child.	September 1, 2011	N/A	
SB 155/Huffman	11.08.10	Relating to the eligibility of certain school district employees to participate or be enrolled in certain group health benefit programs. If resignation is effective after the last day of an instructional year is entitled to participate or be enrolled in the uniform group coverage plan or the group health coverage through the earlier of the first anniversary of the date participation in or coverage under the uniform group coverage plan or the group health coverage was first made available to district employees for the last instructional year in which the employee was employed by the district or the last calendar day before the first day of the instructional year immediately following the last instructional year in which the employee was employed by the district	September 1, 2011	N/A	
SB 190/Nelson	11.09.10	Relating to the licensing and regulation of physicians, physician assistants, acupuncturists, and surgical assistants.	September 1, 2011	N/A	
SB 204/Zaffirini	11.12.10	Relating to insurance coverage for certain devices used in the treatment of diabetes: Diabetes equipment: blood glucose monitors, insulin pumps, insulin infusion, podiatric appliances, test strips visual reading and urine test strips, lancets and lancet devices, insulin and insulin analogs, injections aids, syringes, prescriptive and non-prescriptive oral agents, glucagon emergency kits, insulin pens, insulin pen needles, cartridges for pen injectors, disposable prefilled insulin pens, insulin delivery devices and devices that facilitate insulin therapy and enhance glucose control	September 1, 2011	Applicable	Ensure service are evidence based medicine and medically necessary for covered individual
HB 297/Berman	11.16.10	Relating to certain federal health care legislation; imposing penalties; The federal Act is not authorized by the US constitution and violates the constitution's true meaning and intent as expressed by the founders of this country and the ratifiers of the constitution	September 1, 2011	N/A	

Bill Number	Date Filed	Brief Description	Effective Date	Applicable to Chapter 172	Comments
HB 309/Menendez	11.17.10	Relating to the establishment of the supportive living facility pilot program; project underwriting pro forma from the permanent or construction lender;	On or after January 13, 2013	N/A	
Tx82RHB297/Berman	11.16.10	Relating to certain federal health care legislation; imposing penalties. The people of the several states comprising US of America created the federal government as their agent for certain enumerated purposes, and nothing more	September 1, 2011	N/A	
HB 335/Shelton	11.22.10	Relating to implementation and requirements of certain healthcare reform laws. A state agency must submit a report described by Subsection (d) of an expenditure incurred in implementing a provision of a federal health care reform law if: the provision: requires a person to purchase health insurance or similar health coverage, requires an employer to provide health insurance or similar health coverage to or for employees, imposes a penalty to an employer who does not provide health insurance or similar health coverage to or for employees, expands eligibility for the state Medicaid program or state child health plan program: creates a health insurance coverage mandate affecting a person; or creates a new health insurance or similar health coverage program that is administered by the state or a political subdivision of this state	September 1, 2011	N/A	
SB 241/Ellis	12.01.10	Relating to HIV and AIDS tests and to health benefit plan coverage	September 1, 2011	Applicable	Medically necessary coverage and level of service is currently an eligible benefit
HB 28/Guillen		Relating to reimbursement for health care services provided at certain times to persons enrolled in the Medicaid managed care program.	September 1, 2011	N/A	
HB 32/Creighton		Relating to the prohibition of required health insurance coverage.	September 1, 2011	N/A	
HB 70/Martinez		Relating to telemedicine medical services, home telemonitoring service, telehealth services, and home telemonitoring services provided to certain Medicaid recipients. The executive commissioner by rule shall establish a statewide program that permits reimbursement under the state Medicaid program for home telemonitoring services as provided under this section.		N/A	
HB 97/Paxton		Relating to creation of the Health Freedom Act	Effective immediately if it receives a vote of 2/3 of members of elected to each	N/A	

Bill Number	Date Filed	Brief Description	Effective Date	Applicable to Chapter 172	Comments
			house.		
HB 118/McClendon		Relating to requiring the provision of notice by certain hospitals regarding patients' medical records. May authorize the disposal of medical records relating to the patient on or after the periods specified in this section.	September 1, 2011	N/A	
HB 124/Legler		Relating to payment for health care services and participation in a health care system.	September 1, 2011	N/A	
HB 144/Laubenberg		Relating to payment for health care services and participation in a health care system.	September 1, 2011	N/A	
HB 194/Walle		Relating to prohibiting the use of credit scoring in certain lines of personal insurance	September 1, 2011	N/A	
HB 203/Hughes		Relating to payment for health care services and participation in a health care system.	September 1, 2011	N/A	
HB 124/Legler		Relating to payment for health care services and participation in a health care system.	September 1, 2011	N/A	
HB 144/Laubenberg		Relating to payment for health care services and participation in a health care system "Direct payment", means payment for health care services provided to an individual or a dependent of the individual that is made by the individual or by the individual's employer, without a public or private third party, other than the employer paying for any portion of the services without a penalty or fine	September 1, 2011	N/A	
HB 208/Alonzo		Relating to prohibition of certain insurance discrimination. May not refuse to insure or provide coverage to an individual due to race, color, religion, national origin, age, gender, marital status, geographic location, sexual orientation or gender identify or expression.	September 1, 2011	N/A	
HB 210/Alonzo		Relating to the coverage by certain health benefit plans of mammograms performed by certain health care providers.	September 1, 2011	N/A	
HB 2086/Lucio		Relating to the care of elementary and secondary school students with food or other life-threatening allergies. Allergy and Anaphylaxis management plan that includes the following: communication, strategies for reducing student's exposure, treatment plan for response	September 1, 2011	N/A	
HB 297/Berman		Relating to certain federal health care legislation, imposing penalties. Tenth amendment to the US constitution defines the total scope of federal power as that which has been delegated by the people of the several states to the federal government, and all power not expressly delegated to the federal government in the US constitution is reserved to the states respectively	September 1, 2011	N/A	
HB 309/Menendez		Relating to the establishment of the supportive living facility pilot program	September 1, 2011	N/A	
HB 335/Shelton		Relating to implementation and requirements of certain health care reform laws (mandated purchase or employer penalty for not healthcare	September 1, 2011	N/A	

Bill Number	Date Filed	Brief Description	Effective Date	Applicable to Chapter 172	Comments
		benefits)			
Paxton		Joint Resolution proposing a constitutional amendment relating to the rights of individuals to choose or decline to choose to purchase health insurance coverage			
Legler		Joint Resolution proposing a constitutional amendment authorizing certain payment for health care services and prohibiting requiring participation in a health care system			
Laubenberg		Joint Resolution proposing a constitutional amendment authorizing certain payment for health care services and prohibiting requiring participation in a health care system			
SB 120/Uresti		Relating to requiring dental support for a child subject to a child support order for access to dental benefits	September 1, 2011	N/A	
SB 155/Huffman		Relating to the eligibility of certain school district employees to participate or be enrolled in certain group health benefit programs	September 1, 2011	N/A	
SB 190/Nelson		Relating to the licensing and regulation of physicians, physician, assistants, acupuncturists, and surgical assistant. On receipt of a complaint, the board may consider a previously investigated complaint to determine whether there is a pattern of practice violating this subtitle.	September 1, 2011	N/A	
SB 204/Zaffirini		Relating to insurance coverage for certain devices used in the treatment of diabetes. Test strips for blood glucose monitors, visual reading and urine test strips, lancets and lancet devices, insulin and insulin analogs, injection aids, syringes, insulin pens, insulin pen needles, cartridges for pen injectors, disposable prefilled insulin pens, insulin delivery devices, and devices that facilitate insulin therapy and enhance glucose control	September 1, 2011	N/A	
SB 241/Ellis		Relating to HIV and AIDS tests and to health benefit plan coverage of HIV and AIDS tests. Before taking a sample of a person's blood, a health care provider must verbally inform a person that an HIV test will be performed unless the person opts out of the HIV test. A health benefit plan issuer may not exclude or deny coverage for the performance of medical tests or procedures to determine HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS, regardless of whether the test or medical procedure is related to the primary diagnosis of the health condition, accident, or sickness for which the enrollee seeks medical or surgical treatment	September 1, 2011	N/A	
HB 419/Villareal		Relating to the automatic enrollment of certain women in the demonstration projects for women's health care services.	August 31, 2011	N/A	

Bill Number	Date Filed	Brief Description	Effective Date	Applicable to Chapter 172	Comments
HB 438/Thompson	12.15.10	Relating to health benefit plan coverage for orally administered anticancer medications.	September 1, 2011	N/A but mentioned the Exchange under Chapter 942	
SB 262/Carona	12.15.10	Relating to health benefit plan coverage for orally administered anticancer medications	September 1, 2011	N/A but mentioned the Exchange under Chapter 942	
SB 293/Watson	12.21.10	Relating to telemedicine medical services, telehealth services, and home telemonitoring services provided to certain Medicaid recipients. Telemonitoring services are available only to persons who are diagnosed with one or more conditions described by Section 531.02171 © (4) and who exhibit two or more of the following risk factors: two or hospitalizations in the prior 12 month period, frequent or recurrent emergency room admissions, documented history of poor adherence to ordered medication regimens, documented history of falls in the prior six month period, limited or absent informal support systems, living alone or being home alone for extended periods of time and a documented history of care access challenges	September 1, 2011	Medicaid	
HB 474/Lewis	12.28.10	Relating to eligibility requirements for certain public benefits programs. All applicant for benefits must complete a Form I-(and provide documentation that establishes the applicant's identify and eligibility to work in the US as required by that form to be eligible to receive benefits under any of the following programs: child health plan under Chapter 62 Health and Safety Code, the financial assistance program under Chapter 31, Human Resources Code, the medical assistance program under chapter 32, the nutritional assistance program under chapter 33, Human Resources Code	September 1, 2011	N/A	
HB 503/Walle		Relating to eligibility for children's Medicaid and the child health plan program. The commission shall establish income eligibility levels consistent with Title XXI, Social Security Act (42 U.S.C. Section1397aa et seq.), as amended, and any other applicable law or regulations, and subject to the availability of appropriate money, so that a child who is younger than 19 years of age and whose net family income is at or below 200 percent of the federal poverty level is eligible for health benefits coverage under the program.	September 1, 2011	N/A	
HB 552/Phillips	1.7.11	Relating to a prohibition on coverage for abortion under health benefit plans offered through a health benefit exchange	September 1, 2011	N/A	

Bill Number	Date Filed	Brief Description	Effective Date	Applicable to Chapter 172	Comments
SB 325/Van de Putte	1.10.11	Relating to the automatic enrollment of certain women in the demonstration project for women's health care services. Preventive health and family planning services to include: medical history, physical examinations, health screenings for diabetes, cervical cancer, breast cancer, sexually transmitted diseases, hypertension, cholesterol and tuberculosis, counseling on contraception, provision of contraceptives risk assessment, appropriate referrals	Effect August 31, 2011	N/A	
HB 636/Zerwas	1.13.11	Relating to creation of the Texas Health Insurance Connector. The small employer and individual health benefit plan markets in this state are a fundamental and integral component of the economy of this state that create significant employment and business opportunity, including enabling more than 1.5 million individuals, and 110,000 small businesses with more than 650,000 employees to obtain health benefit plan coverage in 2009. The US Congress exceeded its constitutional authority by passing the Patient Protection and Affordable Care Act, which contained a number of provisions that have the potential to significantly undermine the operations of the small employer and individual health benefit plan markets in this state. The Patient Protection and Affordable Care Act includes an option for a state to create a health insurance exchange to facilitate the purchase of individual and small group health coverage and to provide assistance with enrollment of eligible individuals in qualified health plans in lieu of the federal government operating a health insurance exchange in the State. “Qualified health plan means a health benefit plan that the board has certified under Section 1509.108. “ The Board may adopt rules necessary to implement state responsibility in compliance with a federal law or regulation or action of a federal court relating to a person or activity under the purview of the connector if the federal law, regulation or action of the federal court requires a state to adopt the rules or action by a state to ensure protection of the citizens of the state, the rules will avoid federal preemption of state insurance regulation or the rules will prevent the loss of federal funds to this state. The connector and the department shall cooperate to promote a stable health benefit plan market in this state. At least three of the five board members appointed by the governor must have experience in health care administration, health care economics, or health insurance or be knowledgeable concerning general business or actuarial principles. One of	September 2011	N/A	

Bill Number	Date Filed	Brief Description	Effective Date	Applicable to Chapter 172	Comments
		<p>the board members appointed by the governor must represent the interests of health plan consumers in this state, one must represent the interests of small employers in this state, and one must be an enrollee or be reasonably expected to qualify for coverage under a qualified health plan in this state. The connector shall: rule establish procedures consistent with federal law and regulations for the certification, recertification and decertification of health benefit plans as qualified health plans; provide for the operation of a toll-free telephone hotline to respond to requests for assistance; maintain an Internet website through which an enrollee or prospective enrollee may obtain standardized information, locate comparative coverage, assign a rating based on criteria developed by the secretary, standard format for presenting information, eligibility appropriateness for Medicaid, child health plan program or other similar federal, state or local public health benefit program. Make available electronically a calculator to determine the actual cost of coverage after the application of any premium tax credit or cost-sharing subsidy available under federal law, certify that an individual is exempt from the individual responsibility penalty under Section 5000A, Internal Revenue Code of 1986, and notify the secretary of the exemption, establish a navigator program as described by Section 1311(i), provide for processing of applications for coverage under a qualified health plan, the enrollment of persons, establish billing and payment policies for issuers of qualified health plans, engage in marketing and outreach, collect and maintain information concerning qualified health plans, including data concerning enrollment, disenrollment, claims and claim denials.</p>			
HB 813/Gutierrez	1.21.11	<p>Relating to the election of the commissioner of insurance. A person appointed as an associate or deputy commissioner or to hold an equivalent position must have at least five years of experience in the administration of business or government or as a practicing attorney or certified public accountant. At least two years of that experience must be in work related to the position to be held.</p>	January 1, 2013	N/A	