

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	September 1, 2011	N/A	Mandated Benefit

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		occult breast cancer.			
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 ate 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	Admitted to voters on November 8,	N/A	

Bill Number	Date Filed	Brief Description	Effective Date	Applicable to Chapter 172	Comments
		to choose or decline to choose to purchase health insurance coverage	2011		
HJR27/Legler	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	
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	September 1, 2011	N/A	

Bill Number	Date Filed	Brief Description	Effective Date	Applicable to Chapter 172	Comments
		violates the constitution's true meaning and intent as expressed by the founders of this country and the ratifiers of the constitution			
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		N/A	

Bill Number	Date Filed	Brief Description	Effective Date	Applicable to Chapter 172	Comments
		section.			
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 house.	N/A	
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	September 1, 2011	N/A	

Bill Number	Date Filed	Brief Description	Effective Date	Applicable to Chapter 172	Comments
		government in the US constitution is reserved to the states respectively			
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 benefits)	September 1, 2011	N/A	
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 assistants. 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	September 1, 2011	N/A	

