CHAPTER 533
S.B. No. 1403

AN ACT
relating to changing the Texas Health Insurance Risk Pool to the Texas Health Insurance Pool, and to
the operation of that pool.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The heading to Chapter 1506, Insurance Code, is amended to read as
follows:

CHAPTER 1506. TEXAS HEALTH INSURANCE POOL

SECTION 2. Subdivision (7), Section 1506.001, Insurance Code, is amended to read as
follows:

(7) "Pool" means the Texas Health Insurance Pool.

SECTION 3. Subchapter A, Chapter 1506, Insurance Code, is amended by adding Section
1506.010 to read as follows:

Sec. 1506.010. REDESIGNATION. Effective September 1, 2009, the Texas Health Insur-
ance Risk Pool is redesignated the Texas Health Insurance Pool. A reference in any law to
the Texas Health Insurance Risk Pool means the Texas Health Insurance Pool.

SECTION 4. Section 1506.152, Insurance Code, is amended by amending Subsections (b)
and (c) and adding Subsection (f) to read as follows:

(b) Subject to Subsection (f), each dependent of an individual who is eligible for
coverage from the pool is also eligible for coverage from the pool.

(c) Subject to Subsection (f), if an individual who obtains coverage from the pool under
Subsection (a) is a child, each parent, grandparent, brother, sister, or child of that individual
who resides with that individual is also eligible for coverage from the pool.

(f) A dependent or individual described by Subsection (c) who is not a federally defin-
ed eligible individual and who has not experienced a significant break in coverage may not
obtain coverage from the pool before the first date on which the dependent or individual has
been:

(1) a legally domiciled resident of this state for at least the 30 days preceding the date of
the application for coverage from the pool; and

(2) a citizen or permanent resident of the United States for at least three continuous
years.

SECTION 5. Section 1506.153, Insurance Code, as amended by Chapters 808 (S.B. 1254),
881 (H.B. 1977), and 1070 (H.B. 2548), Acts of the 80th Legislature, Regular Session, 2007, is
reenacted and amended to read as follows:

Sec. 1506.153. INELIGIBILITY FOR COVERAGE. (a) Notwithstanding Section
1506.152 [Section 1506.152(a)–(e)], an individual is not eligible for coverage from the pool if:

(1) on the date pool coverage is to take effect, the individual has health benefit plan
coverage from a health benefit plan issuer or health benefit arrangement in effect, except
as provided by Section 1506.152(a)(3)(E);

(2) at the time the individual applies to the pool, except as provided in Subsection (b), the
individual is eligible for other health care benefits, including an offer of benefits from the
continuation of coverage under Title X, Consolidated Omnibus Budget Reconciliation Act of 1985 (29 U.S.C. Section 1161 et seq.), as amended (COBRA), other than:

(A) coverage, including COBRA or other continuation coverage or conversion coverage, maintained for any preexisting condition waiting period under a pool policy or during any preexisting condition waiting period or other waiting period of the other coverage;

(B) employer group coverage conditioned by a limitation of the kind described by Section 1506.152(a)(3)(A) or (C); or

(C) individual coverage conditioned by a limitation described by Section 1506.152(a)(3)(C) or (D);

(3) within 12 months before the date the individual applies to the pool, the individual terminated coverage in the pool, unless the individual:

(A) demonstrates a good faith reason for the termination; or

(B) is a federally defined eligible individual;

(4) the individual is confined in a county jail or imprisoned in a state or federal prison;

(5) any of the individual's premiums are paid for or reimbursed under a government-sponsored program or by a government agency or health care provider;

(6) the individual's prior coverage with the pool was terminated:

(A) during the 12-month period preceding the date of application for nonpayment of premiums; or

(B) for fraud; or

(7) the individual is eligible for health benefit plan coverage provided in connection with a policy, plan, or program paid for or sponsored by an employer, even though the employer coverage is declined. This subdivision does not apply to an individual who is a part-time employee or a part-time employee’s dependent eligible to participate in an employer plan that provides health benefit coverage:

(A) that is more limited or restricted than coverage with the pool; and

(B) for which there is no employer contribution to the premium, either directly or indirectly.

(b) An individual eligible for benefits from the continuation of coverage under Title X, Consolidated Omnibus Budget Reconciliation Act of 1985 (29 U.S.C. Section 1161 et seq.), as amended (COBRA), or a comparable federal or state employee coverage continuation program, who did not elect continuation of coverage during the election period, or whose elected continuation of coverage lapsed or was cancelled without reinstatement, is eligible for pool coverage. Eligibility under this subsection is subject to a minimum 180-day exclusion of coverage under Section 1506.155(a-1).

SECTION 6. Section 1506.155, Insurance Code, is amended by amending Subsection (a-1) and adding Subsection (c-1) to read as follows:

(a-1) Except as provided by Section 1506.056, pool coverage for an individual eligible pursuant to Section 1506.153(b) excludes charges or expenses incurred before the first anniversary of the expiration of 180 days from the effective date of coverage with regard to any condition for which:

(1) the existence of symptoms would cause an ordinarily prudent person to seek diagnosis, care, or treatment within the six-month period preceding the effective date of coverage; or

(2) medical advice, care, or treatment was recommended or received during the six-month period preceding the effective date of coverage.

(c-1) If an individual eligible under Section 1506.153(b) was covered by creditable coverage at any time during the 12-month period immediately preceding the effective date of the individual’s coverage under the pool, the pool shall subtract from the exclusion period required under Subsection (a-1) up to 180 days of:

(1) the period during which the individual was covered under the creditable coverage; and
(2) any waiting period that applied before the creditable coverage became effective.

SECTION 7. Subsection (b), Section 1506.2523, Insurance Code, is amended to read as follows:

(b) For purposes of this section, gross health benefit plan premiums do not include premiums collected for:

(1) coverage under a Medicare supplement benefit plan subject to Chapter 1652;
(2) coverage under a small employer health benefit plan subject to Subchapters A-H, Chapter 1501; or
(3) coverage or insurance listed in Section 1506.002(b), (c), or (d).

SECTION 8. This Act applies only to an application for initial or renewal coverage through the Texas Health Insurance Risk Pool under Chapter 1506, Insurance Code, as amended by this Act, that is filed with the pool on or after January 1, 2010. An application filed before that date is governed by the law in effect on the date on which the application was filed, and the former law is continued in effect for that purpose.

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

Passed the Senate on April 9, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 144, Nays 0, one present not voting.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 534

S.B. No. 1474

AN ACT
relating to compensation for certain emergency services personnel.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter B, Chapter 659, Government Code, is amended by adding Section 659.025 to read as follows:

Sec. 659.025. USE OF COMPENSATORY TIME BY CERTAIN EMERGENCY SERVICES PERSONNEL; OPTIONAL OVERTIME PAYMENT. (a) In this section, “emergency services personnel” includes firefighters, police officers and other peace officers, emergency medical technicians, emergency management personnel, and other individuals who are required, in the course and scope of their employment, to provide services for the benefit of the general public during emergency situations.

(b) This section applies only to a state employee who is emergency services personnel who is not subject to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and who is not an employee of the legislature, including an employee of the lieutenant governor or of a legislative agency.

(c) Notwithstanding Section 659.016 or any other law, an employee to whom this section applies may be allowed to take compensatory time off during the 18-month period following the end of the workweek in which the compensatory time was accrued.

(d) Notwithstanding Section 659.016 or any other law, the administrative head of a state agency that employs an employee to whom this section applies may pay the employee overtime at the employee’s regular hourly salary rate for all or part of the hours of compensatory time off accrued by the employee during a declared disaster in the preceding 18-month period. The administrative head shall reduce the employee’s compensatory time balance by one hour for each hour the employee is paid overtime under this section.

SECTION 2. This Act takes effect September 1, 2009.

Passed the Senate on April 23, 2009: Yeas 30, Nays 0; passed the House on May 26, 2009: Yeas 144, Nays 0, two present not voting.