

BILL ANALYSIS

Senate Research Center

H.B. 335
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Health & Human Services
5/17/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties content that the state's response to federal mandates within the recently enacted federal Patient Protection and Affordable Care Act must be proactive in order to protect the state's health care system. H.B. 335 seeks to create a method of reporting by state agencies to the Legislative Budget Board relating to the implementation and requirements of federal health care reform laws that will protect government transparency and better inform citizens of the impact of those laws.

H.B. 335 amends current law relating to implementation and requirements of certain health care reform laws.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 322, Government Code, by adding Section 322.021, as follows:

Sec. 322.021. MANDATORY HEALTH CARE REFORM REPORTS FROM STATE AGENCIES. (a) Defines, in this section, "state agency."

(b) Prohibits a state agency from implementing a provision of a federal health care reform law described by Subsection (c) unless the state agency submits a report described by Subsection (d) to:

- (1) the Legislative Budget Board (LBB);
- (2) the governor;
- (3) the lieutenant governor;
- (4) the speaker of the house of representatives; and
- (5) the appropriate standing legislative committees having jurisdiction over issues relating to health care reform.

(c) Requires a state agency to submit a report described by Subsection (d) of an expenditure incurred in implementing a provision of a federal health care reform law if:

- (1) the provision:
 - (A) requires a person to purchase health insurance or similar health coverage;

(B) requires an employer to provide health insurance or similar health coverage to or for employees;

(C) imposes a penalty on an employer who does not provide health insurance or similar health coverage to or for employees;

(D) expands eligibility for the state Medicaid program or state child health plan program;

(E) creates a health insurance coverage mandate affecting a person; or

(F) creates a new health insurance or similar health coverage program that is administered by this state or a political subdivision of this state; or

(2) LBB, in the exercise of LBB's duties under this chapter, determines that a report about the expenditure is necessary to a comprehensive and continuing review of a program or operation of a state agency.

(d) Requires that a report required under Subsection (b):

(1) cite the specific federal statute or regulation that requires the state to implement the provision;

(2) state whether the provision requires or allows a state waiver or option;

(3) describe the state action required to implement the provision;

(4) identify the individuals, legal entities, and state agencies that may be impacted by the implementation of or refusal to implement the provision; and

(5) estimate the cost to be incurred by the state to implement the provision.

SECTION 2. Effective date: September 1, 2011.