

BILL ANALYSIS

Senate Research Center
88R20054 SRA-F

H.B. 3456
By: Ashby (Hinojosa)
Health & Human Services
5/16/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2013, the 83rd Legislature passed S.B. 1623 to allow the counties of Hidalgo, Cameron, and Webb to create a local provider participation fund (LPPF) to draw down their share of federal dollars for their nonpublic hospitals without expanding Medicaid, requiring state funding, or taxing the residents of the county. Since then, each legislative session has seen increases in the number of jurisdictions allowed to operate LPPFs. Currently, 30 jurisdictions have the authority to operate an LPPF. In 2019, the 86th Legislature passed H.B. 4289 to provide the authority for a local government not currently operating an LPPF to have the ability to operate one. The enabling legislation and statutory authority of each jurisdiction has a sunset provision that must be updated through legislation.

H.B. 3456 extends the sunset date for certain hospital district's health care provider participation programs.

H.B. 3456 amends current law relating to the continuation and operation of certain health care provider participation programs in this state.

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 Section 292C.004, Health and Safety Code, as follows:

Sec. 292C.004. EXPIRATION. Provides that the authority of a county to administer and operate a program under Chapter 292C (County Health Care Provider Participation Program in Certain Counties With Hospital District Bordering Oklahoma) expires December 31, 2027, rather than 2023.

SECTION 2. Amends Section 298A.004, Health and Safety Code, as follows:

Sec. 298A.004. EXPIRATION. (a) Provides that the authority of the Dallas County Hospital District to administer and operate a program under Chapter 298A (Dallas County Hospital District Health Care Provider Participation Program) expires December 31, 2027, rather than 2025, subject to Section 298A.153(d) (relating to requiring that the district assess and collect a mandatory payment only if a waiver program, uniform rate enhancement, or reimbursement program is available to the district).

(b) Makes a conforming change to this subsection.

SECTION 3. Amends Section 298B.004, Health and Safety Code, as follows:

Sec. 298B.004. EXPIRATION OF AUTHORITY. (a) Provides that the authority of the Tarrant County Hospital District to administer and operate a program under Chapter 298B (Tarrant County Hospital District Health Care Provider Participation Program) expires December 31, 2027, rather than 2025, subject to Sections 298B.153(d) (relating

to requiring that the district assess and collect a mandatory payment only if a waiver program, uniform rate enhancement, or reimbursement program is available to the district) and 298B.154 (Federal Disallowance).

(b) Makes a conforming change to this subsection.

SECTION 4. Amends Section 298E.004, Health and Safety Code, as follows:

Sec. 298E.004. EXPIRATION. (a) Provides that the authority of a district to administer and operate a program under Chapter 298E (Health Care Provider Participation Program in Certain Hospital Districts) expires December 31, 2027, rather than 2023, subject to Section 298E.153(d) (relating to requiring that the district assess and collect a mandatory payment only if a waiver program, uniform rate enhancement, or reimbursement program is available to the district).

(b) Makes a conforming change to this subsection.

SECTION 5. Amends Section 298F.004, Health and Safety Code, as follows:

(a) Provides that the authority of the Bexar County Hospital District to administer and operate a program under Chapter 298F (Bexar County Hospital District Health Care Provider Participation Program) expires December 31, 2027, rather than 2023, subject to Section 298F.153(d) (relating to requiring that the district assess and collect a mandatory payment only if a waiver program, uniform rate enhancement, or reimbursement program is available to the district).

(b) Makes a conforming change to this subsection.

SECTION 6. Amends Section 298G.004, Health and Safety Code, as follows:

Sec. 298G.004. EXPIRATION. (a) Provides that the authority of the El Paso County Hospital District to administer and operate a program under Chapter 298G (El Paso County Hospital District Health Care Provider Participation Program) expires December 31, 2027, rather than 2023, subject to Section 298G.153(d) (relating to requiring that the district assess and collect a mandatory payment only if a waiver program, uniform rate enhancement, or reimbursement program is available to the district).

(b) Makes a conforming change to this subsection.

SECTION 7. Amends Section 299.004, Health and Safety Code, as follows:

Sec. 299.004. EXPIRATION. (a) Provides that the authority of the Harris County Hospital District to administer and operate a program under Chapter 299 (Harris County Hospital District Health Care Provider Participation Program) expires December 31, 2025, rather than 2023, subject to Section 299.153(d) (relating to requiring that the district assess and collect a mandatory payment only if a waiver program, uniform rate enhancement, or reimbursement program is available to the district).

(b) Makes a conforming change to this subsection.

SECTION 8. Amends Section 300.0003, Health and Safety Code, as follows:

Sec. 300.0003. APPLICABILITY. Provides that Chapter 300 (Health Care Provider Participation Programs in Certain Political Subdivisions in This State) applies only to:

(1) a hospital district that is not authorized to create, rather than not participating in, a health care provider participation program under, rather than authorized by, another chapter of Subtitle D (Hospital Districts); and

(2) a county or municipality that is not authorized to create a health care provider participation program under another chapter of this subtitle. Deletes existing text providing that this chapter applies only to a county or municipality that is not served by a hospital district or a public hospital. Makes conforming changes.

SECTION 9. Repealer: Section 300.0155 (Expiration of Authority), Health and Safety Code.

SECTION 10. Effective date: upon passage or September 1, 2023.