

By: King of Parker, Fallon, Flynn

H.B. No. 2123

A BILL TO BE ENTITLED

AN ACT

relating to participation of the state military forces in the state group benefits program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 437.212, Government Code, is amended by amending Subsections (f) and (g) and adding Subsections (g-1), (g-2), and (g-3) to read as follows:

(f) A member of the state military forces ~~[volunteer in the Texas State Guard]~~ who is not a full-time or part-time state employee and who has been on state active duty or on state training or other duty for more than 60 ~~[90]~~ days is, notwithstanding Section 1551.1055, Insurance Code, eligible to participate in the state group benefits program under Chapter 1551, Insurance Code, to purchase health or dental insurance coverage, subject to the following requirements:

(1) the participant must be a member of the state military forces ~~[Texas State Guard]~~ at the time of enrollment in the group benefits program;

(2) the participant must pay the full cost of health or dental insurance coverage under the group benefits program ~~[and may not receive a state contribution for premiums]~~; and

(3) an application under this subsection for group benefit health or dental insurance coverage must be submitted in accordance with procedures established by the Employees Retirement

1 System of Texas.

2 (g) The adjutant general and the Employees Retirement
3 System of Texas shall coordinate and consult to implement the
4 benefits program provided by Subsection (f) and shall adopt a
5 memorandum of understanding to establish:

6 (1) the procedures that a member of the state military
7 forces [~~Texas State Guard~~] may use to elect to participate in the
8 state group benefits program; and

9 (2) an appropriate method to annually confirm
10 continuing eligibility to participate in the group benefits
11 program.

12 (g-1) A member of the state military forces described by
13 Subsection (f) is eligible to receive a stipend to be paid by the
14 department in an amount to be determined by the department under
15 Subsection (g-3) for each month following the 60th day that the
16 member:

17 (1) is on state active duty or on state training or
18 other duty; and

19 (2) subject to verification by the adjutant general as
20 provided by Section 437.2121, pays the full cost of health or dental
21 insurance coverage under:

22 (A) the state group benefits program;

23 (B) a government-funded health or dental
24 insurance plan; or

25 (C) a private or nongovernmental health or dental
26 insurance plan for which the member is required to pay premiums.

27 (g-2) A member of the state military forces who is eligible

1 to receive a stipend under Subsection (g-1) must notify the
2 adjutant general of the member's health or dental insurance
3 coverage by submitting the authorization form specified by Section
4 437.2121. The adjutant general may adopt rules to implement and
5 administer this subsection, including rules that prescribe the
6 procedure a member must follow to submit an executed authorization
7 form and the amount of time a member has to submit the authorization
8 form. The comptroller may consult with the adjutant general to
9 adopt rules governing the manner in which an eligible member may
10 receive a stipend.

11 (g-3) A stipend paid to a member of the Texas National Guard
12 may not exceed the amount of the member's TRICARE premium or an
13 amount equal to that premium to be applied toward the member's
14 private or nongovernmental insurance plan. A stipend paid to a
15 member of the Texas State Guard or other member of a military force
16 organized under state law may not exceed the amount of the member's
17 health or dental insurance plan premium determined by the premium
18 amount associated with the state group benefits program or an
19 amount equal to that premium to be applied toward the member's
20 private or nongovernmental insurance plan.

21 SECTION 2. Subchapter E, Chapter 437, Government Code, is
22 amended by adding Section 437.2121 to read as follows:

23 Sec. 437.2121. AUTHORIZATION FORM FOR RELEASE OF PROTECTED
24 HEALTH INFORMATION. (a) A member of the state military forces who
25 meets the eligibility requirements under Section [437.212\(g-1\)](#) may
26 not receive a stipend under that section unless the member submits
27 to the adjutant general the authorization form specified by this

1 section. The adjutant general must verify that the member has paid
2 the full cost of the member's health or dental insurance coverage
3 before the department may issue a stipend to the member.

4 (b) The authorization form specified by this section may not
5 be altered or modified. A member who alters or modifies the
6 authorization form, or who revokes an executed authorization, may
7 not receive a stipend to which the member may otherwise be eligible
8 until 60 days following receipt by the adjutant general of a newly
9 executed authorization form.

10 (c) The authorization form required by this section shall be
11 in the following form and shall be construed in accordance with the
12 Standards for Privacy of Individually Identifiable Health
13 Information (45 C.F.R. Parts 160 and 164):

14 AUTHORIZATION FORM FOR RELEASE OF PROTECTED HEALTH INFORMATION

15 A. I, _____ (name of state military forces member or
16 authorized representative), hereby authorize _____ (name of
17 health or dental insurance coverage provider to whom the
18 authorization form is directed) to obtain and disclose (within the
19 parameters set out below) the protected health information
20 described below for the purpose of verifying that _____ (name
21 of state military forces member), as a member of the state military
22 forces called to state active duty or on state training or other
23 duty for more than 60 days, is eligible for a stipend as provided by
24 Section [437.212](#), Government Code.

25 B. The health information to be obtained, used, or disclosed
26 extends to and includes the verbal as well as the written and is
27 specifically described as all records documenting payment of health

1 or dental insurance coverage premiums by _____ (name of state
2 military forces member), including information related to the
3 eligibility for coverage, dates of coverage, billing, payments
4 received, and termination of coverage.

5 C. The persons or class of persons to whom the health
6 information of _____ (state military forces member) will be
7 disclosed or who will make use of said information are:

8 1. The adjutant general of the state military forces;
9 2. Any agent, contractor, or staff of the state
10 military forces, including secretarial, clerical, accounting,
11 information technology, or administrative staff, designated by the
12 adjutant general to assist with the determination of eligibility
13 for a stipend or the processing or issuing of stipends;

14 3. The comptroller;
15 4. Any agent, contractor, or staff of the comptroller
16 designated by the comptroller to assist with the determination of
17 eligibility for a stipend or the processing or issuing of stipends.

18 D. This authorization shall expire on the discharge of the
19 member from the state military forces.

20 E. I understand that, without exception, I have the right to
21 revoke this authorization by providing written notice to a person
22 or class of persons designated by the adjutant general. I further
23 understand the consequence of any such revocation as set out in
24 Section 437.2121, Government Code.

25 F. I understand that the signing of this authorization is
26 not a condition for continued treatment, payment, enrollment, or
27 eligibility for health plan benefits.

1 G. I understand that information used or disclosed under
2 this authorization may be subject to redisclosure by the recipient
3 and may no longer be protected by federal HIPAA privacy
4 regulations.

5 Signature of state military forces member/representative

6 _____

7 Date

8 _____

9 Name of state military forces member/representative

10 _____

11 Description of representative's authority

12 _____

13 SECTION 3. This Act takes effect January 1, 2016.