

BILL ANALYSIS

Senate Research Center
82R1896 NAJ-D

S.B. 420
By: Deuell
Health & Human Services
3/17/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The wages and resources of the benefactors of sponsored aliens are not always taken into account when determining eligibility for indigent health care. This causes those aliens to receive county-funded health care when their sponsors had the resource to pay for it instead.

The current law for the county indigent care program does not specify how the eligibility of sponsored aliens is to be considered. Because sponsored aliens are thought to be fundamentally different than other immigrants, this omission causes some confusion when determining eligibility for indigent health care.

This bill would clear up the ambiguity by stipulating that the county has the option to include the assets and income of the benefactor as well as the benefactor's spouse when determining eligibility for the sponsored alien. Therefore, those benefactors who promised to fulfill the immigrant's financial needs will do so and not take advantage of the indigent care system.

As proposed, S.B. 420 amends current law relating to determining eligibility for indigent health care.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Texas Department of State Health Services, as the successor agency to TDH.]

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Department of Health is modified in SECTION 2 (Section 61.008, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 61.006(d), Health and Safety Code, to add an exception as provided by Section 61.008, to the prohibition on the Texas Department of Health (TDH) adopting a standard of procedure that is more restrictive than the Temporary Assistance for Needy Families-Medicaid program or procedures.

SECTION 2. Amends Section 61.008, Health and Safety Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Requires TDH by rule to provide that in determining eligibility, among other requirements and prohibitions, if an applicant is a sponsored alien, a county may include in the income and resources of the applicant the income and resources of a person who executed an affidavit of support on behalf of the applicant; and the income and resources of the spouse of a person who executed an affidavit of support on behalf of the applicant, if applicable.

(c) Defines "sponsored alien" in this section.

SECTION 3. Effective date: upon passage or September 1, 2011.