

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-30-09

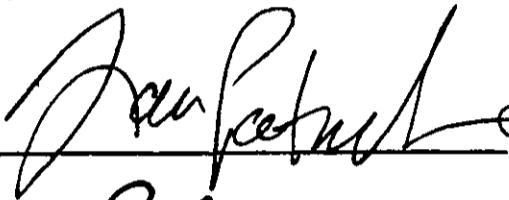
Date


Honorable David Dewhurst
President of the Senate

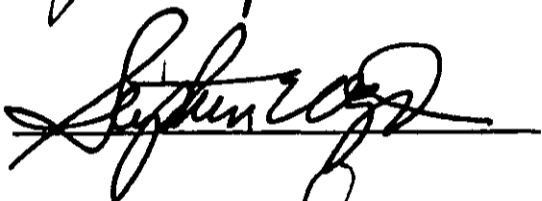
Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 103 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

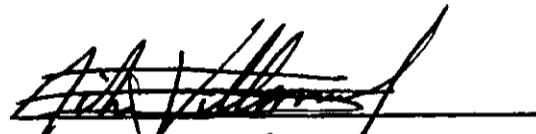




















On the part of the Senate

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 103

A BILL TO BE ENTITLED

1 AN ACT

2 relating to health benefit plans for students at institutions of
3 higher education and the operation of certain health benefit plans
4 through student health centers at certain institutions of higher
5 education.

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

7 SECTION 1. The heading to Section 51.952, Education Code,
8 is amended to read as follows:

9 Sec. 51.952. STUDENT HEALTH INSURANCE AT MEDICAL AND DENTAL
10 UNITS.

11 SECTION 2. Subchapter 2, Chapter 51, Education Code, is
12 amended by adding Section 51.9521 to read as follows:

13 Sec. 51.9521. STUDENT HEALTH INSURANCE AT GENERAL ACADEMIC
14 TEACHING INSTITUTIONS. (a) In this section:

15 (1) "Health benefit plan" means any health benefit
16 plan regulated under the Insurance Code, including:

17 (A) an individual, group, or blanket health
18 insurance policy; or

19 (B) an evidence of coverage issued by a health
20 maintenance organization.

21 (2) "High deductible health plan" has the meaning
22 assigned by Section 223, Internal Revenue Code of 1986.

23 (3) "General academic teaching institution" and
24 "university system" have the meanings assigned by Section 61.003.

(b) A general academic teaching institution with a total student enrollment of more than 20,000 students in one or more semesters of the preceding academic year shall offer or

2 sponsor, directly or through the university system, if any, of
3 which the institution is a component, one or more health benefit
4 plans for the students of the institution. At least one health
5 benefit plan offered under this section must be a high deductible
6 health plan.

7 to:
8 (1) enroll in a health benefit plan offered under this
9 section at the time of the student's registration; and
10 (2) pay the premium or other charges for coverage
11 under the plan.

12 (c) When offering the health benefit plan to students, the
13 institution shall collect information from each student that
14 declines to accept the coverage offered through the institution,
15 including whether the decision to decline coverage was as a result
16 of:

- 17 (1) the student's existing health benefit plan
18 coverage from another source;
19 (2) the cost of the health benefit plan;
20 (3) the type of health benefit plan offered by the
21 institution; or
22 (4) the student not desiring a health benefit plan at
23 that time.

24 (d) Data collected by the institution may be provided to the
25 public in the aggregate.

1 SECTION 3. The heading to Section 51.953, Education Code,
2 is amended to read as follows:

3 Sec. 51.953. [~~CERTAIN REVENUE RECEIVED FROM~~] STUDENT HEALTH
4 CENTER [~~SERVICES~~].

5 SECTION 4. Section 51.953, Education Code, is amended by
6 adding Subsections (c), (d), (e), (f), (g), and (h) to read as
7 follows:

8 (c) A student health center of an institution of higher
9 education with a total student enrollment of more than 20,000
10 students in one or more semesters of the preceding academic year
11 shall assist a student or other person entitled to obtain health
12 care services through the health center in receiving benefits under
13 a health benefit plan in which the student or other person is an
14 enrollee by filing or having a claim filed with the issuer of the
15 health benefit plan on behalf of the student or other person. The
16 institution may contract with a third-party billing service to
17 provide the assistance required by this subsection.

18 (d) An institution of higher education, on behalf of the
19 institution's student health center, may contract with a health
20 benefit plan issuer that engages in the business of insurance in the
21 health service region established by the Department of State Health
22 Services in which the institution is located to provide a health
23 benefit plan under which health care services are provided to
24 students or other persons entitled to obtain health care services
25 through the student health center who are covered by the plan.

26 (e) An institution of higher education described by
27 Subsection (c) must enter into contracts with at least three of the

1 largest health benefit plan issuers that engage in the business of
2 insurance in the health service region established by the
3 Department of State Health Services in which the institution is
4 located under which the institution's student health center:

5 (1) serves as a preferred provider under the preferred
6 provider benefit plans operated by the issuers; or

7 (2) operates as a provider of in-network coverage
8 under the health maintenance organizations operated by the issuers.

9 (f) An institution of higher education may authorize the
10 institution's student health center to accept a student's medical
11 services fee, as charged by the institution under Chapter 54, as
12 payment toward:

13 (1) a copayment;

14 (2) a deductible; or

15 (3) a charge for a service not covered by the student's
16 health benefit plan.

17 (g) Money received by the student health center as a result
18 of a claim filed by or on behalf of a student through a health
19 benefit plan shall be retained for use by the student health center.

20 (h) Not later than January 15 of each year, the governing
21 board of an institution of higher education described by Subsection
22 (c) shall report to the legislature the amount of the following
23 sources of income for funding the institution's student health
24 center:

25 (1) money received from student fees and charges;

26 (2) money received from the operation of the student
27 health center's pharmacy;

1 (3) money received as a result of a claim filed by or
2 on behalf of the institution's student health center under a health
3 benefit plan sponsored by or administered on behalf of the
4 institution; and

5 (4) money received as a result of a claim filed by or
6 on behalf of the institution's student health center under a health
7 benefit plan other than a plan sponsored by or administered on
8 behalf of the institution.

9 SECTION 5. Section 51.9521, Education Code, as added by
10 this Act, applies beginning with the 2010 fall semester.

11 SECTION 6. This Act takes effect September 1, 2009.

House Bill 103
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

SECTION 1. The heading to Section 51.953, Education Code, is amended to read as follows:

Sec. 51.953. [~~CERTAIN REVENUE RECEIVED FROM~~] STUDENT HEALTH CENTER [~~SERVICES~~].

SECTION 2. Section 51.953, Education Code, is amended by adding Subsections (c), (d), (e), (f), (g), and (h) to read as follows:

(c) A student health center of an institution of higher education with a total student enrollment of more than 8,000 students in one or more semesters of the preceding academic year shall assist a student or other person entitled to obtain health care services through the health center in receiving benefits under a health benefit plan in which the student or other person is an enrollee by filing or having a claim filed with the issuer of the health benefit plan on behalf of the student or other person. The institution may contract with a third-party billing service to provide the assistance required by this subsection.

(d) An institution of higher education, on behalf of the institution's student health center, may contract with a health benefit plan issuer that engages in the business of insurance in the health service region established by the Department of State Health Services in which the institution is located to provide a health benefit plan under which health care services are provided to students or other persons entitled to obtain health care services through the student health center who are covered by the

Same as House version.

SECTION 2. Section 51.953, Education Code, is amended by adding Subsections (c), (d), (e), (f), (g), and (h) to read as follows:

(c) A student health center of an institution of higher education with a total student enrollment of more than 20,000 students in one or more semesters of the preceding academic year shall assist a student or other person entitled to obtain health care services through the health center in receiving benefits under a health benefit plan in which the student or other person is an enrollee by filing or having a claim filed with the issuer of the health benefit plan on behalf of the student or other person. The institution may contract with a third-party billing service to provide the assistance required by this subsection.

(d) An institution of higher education, on behalf of the institution's student health center, may contract with a health benefit plan issuer that engages in the business of insurance in the health service region established by the Department of State Health Services in which the institution is located to provide a health benefit plan under which health care services are provided to students or other persons entitled to obtain health care services through the student health center who are covered by the

SECTION 3. Same as House version.

SECTION 4. Same as Senate version.

House Bill 103
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

plan.

(e) An institution of higher education must enter into contracts with at least three of the largest health benefit plan issuers that engage in the business of insurance in the health service region established by the Department of State Health Services in which the institution is located under which the institution's student health center:

(1) serves as a preferred provider under the preferred provider benefit plans operated by the issuers; or

(2) operates as a provider of in-network coverage under the health maintenance organizations operated by the issuers.

(f) An institution of higher education may authorize the institution's student health center to accept a student's medical services fee, as charged by the institution under Chapter 54, as payment toward:

(1) a copayment;

(2) a deductible; or

(3) a charge for a service not covered by the student's health benefit plan.

(g) Money received by the student health center as a result of a claim filed by or on behalf of a student through a health benefit plan shall be retained for use by the student health center.

(h) Not later than January 15 of each year, the governing board of an institution of higher education shall report to the legislature the amount of the following sources of income for funding the institution's student health center:

SENATE VERSION

plan.

(e) An institution of higher education described by Subsection (c) must enter into contracts with at least three of the largest health benefit plan issuers that engage in the business of insurance in the health service region established by the Department of State Health Services in which the institution is located under which the institution's student health center:

(1) serves as a preferred provider under the preferred provider benefit plans operated by the issuers; or

(2) operates as a provider of in-network coverage under the health maintenance organizations operated by the issuers.

(f) An institution of higher education may authorize the institution's student health center to accept a student's medical services fee, as charged by the institution under Chapter 54, as payment toward:

(1) a copayment;

(2) a deductible; or

(3) a charge for a service not covered by the student's health benefit plan.

(g) Money received by the student health center as a result of a claim filed by or on behalf of a student through a health benefit plan shall be retained for use by the student health center.

(h) Not later than January 15 of each year, the governing board of an institution of higher education described by Subsection (c) shall report to the legislature the amount of the following sources of income for funding the institution's student health center:

CONFERENCE

House Bill 103
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

- (1) money received from student fees and charges;
- (2) money received from the operation of the student health center's pharmacy;
- (3) money received as a result of a claim filed by or on behalf of the institution's student health center under a health benefit plan sponsored by or administered on behalf of the institution; and
- (4) money received as a result of a claim filed by or on behalf of the institution's student health center under a health benefit plan other than a plan sponsored by or administered on behalf of the institution.

- (1) money received from student fees and charges;
- (2) money received from the operation of the student health center's pharmacy;
- (3) money received as a result of a claim filed by or on behalf of the institution's student health center under a health benefit plan sponsored by or administered on behalf of the institution; and
- (4) money received as a result of a claim filed by or on behalf of the institution's student health center under a health benefit plan other than a plan sponsored by or administered on behalf of the institution.

No equivalent provision.

SECTION __. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

Removed from Conference version.

SECTION 3. This Act takes effect September 1, 2009.

Same as House version.

SECTION 6. Same as House version.

The following rows were presented as almost identical to language in the engrossed version of Senate Bill 1179, relating to requiring general academic teaching institutions to offer health benefit plans to students.

House Bill 103
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

No equivalent provision.

SENATE VERSION

SECTION __. The heading to Section 51.952, Education Code, is amended to read as follows:
Sec. 51.952. STUDENT HEALTH INSURANCE AT MEDICAL AND DENTAL UNITS.

SECTION __. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9521 to read as follows:

Sec. 51.9521. STUDENT HEALTH INSURANCE AT GENERAL ACADEMIC TEACHING INSTITUTIONS.

(a) In this section:

(1) "Health benefit plan" means any health benefit plan regulated under the Insurance Code, including:

(A) an individual, group, or blanket health insurance policy; or

(B) an evidence of coverage issued by a health maintenance organization.

(2) "High deductible health plan" has the meaning assigned by Section 223, Internal Revenue Code of 1986.

(3) "General academic teaching institution" and "university system" have the meanings assigned by Section 61.003.

(b) A general academic teaching institution shall offer or sponsor, directly or through the university system, if any, of which the institution is a component, one or more health benefit plans for the students of the institution. At least one health benefit plan offered under this section must be a high deductible health plan.

(c) The institution shall provide each student the option

CONFERENCE

SECTION 1. Same as Senate version.

SECTION 2. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9521 to read as follows:

Sec. 51.9521. STUDENT HEALTH INSURANCE AT GENERAL ACADEMIC TEACHING INSTITUTIONS.

(a) In this section:

(1) "Health benefit plan" means any health benefit plan regulated under the Insurance Code, including:

(A) an individual, group, or blanket health insurance policy; or

(B) an evidence of coverage issued by a health maintenance organization.

(2) "High deductible health plan" has the meaning assigned by Section 223, Internal Revenue Code of 1986.

(3) "General academic teaching institution" and "university system" have the meanings assigned by Section 61.003.

(b) A general academic teaching institution with a total student enrollment of more than 20,000 students in one or more semesters of the preceding academic year shall offer or sponsor, directly or through the university system, if any, of which the institution is a component, one or more health benefit plans for the students of the institution. At least one health benefit plan offered under

House Bill 103
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

to:

(1) enroll in a health benefit plan offered under this section at the time of the student's registration; and

(2) pay the premium or other charges for coverage under the plan in the same payment that includes the student's tuition and fees.

(d) When offering the health benefit plan to students, the institution shall collect information from each student that declines to accept the coverage offered through the institution, including whether the decision to decline coverage was as a result of:

(1) the student' existing health benefit plan coverage from another source;

(2) the cost of the health benefit plan;

(3) the type of health benefit plan offered by the institution; or

(4) the student does not desire a health benefit plan at this time.

(e) Data collected by the institution may be provided to the public in the aggregate.

No equivalent provision.

SECTION __. Section 51.9521, Education Code, as added by this Act, applies beginning with the 2010 fall semester.

The following rows were presented as identical to language in the engrossed version of Senate Bill 819, relating to the vaccination against bacterial meningitis of

this section must be a high deductible health plan.

(c) When offering the health benefit plan to students, the institution shall collect information from each student that declines to accept the coverage offered through the institution, including whether the decision to decline coverage was as a result of:

(1) the student' existing health benefit plan coverage from another source;

(2) the cost of the health benefit plan;

(3) the type of health benefit plan offered by the institution; or

(4) the student does not desire a health benefit plan at this time.

(d) Data collected by the institution may be provided to the public in the aggregate.

SECTION 5. Section 51.9521, Education Code, as added by this Act, applies beginning with the 2010 fall semester.

House Bill 103
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

~~certain first-time students at public and private or independent institutions of higher education.~~

SECTION __. This Act shall be known as the Jamie Schanbaum Act.

Removed from Conference version.

No equivalent provision.

SECTION __. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9192 to read as follows:

Removed from Conference version.

Sec. 51.9192. BACTERIAL MENINGITIS VACCINATION REQUIRED FOR CERTAIN STUDENTS; EXCEPTIONS. (a) In this section:

(1) "Health practitioner" means any person authorized by law to administer an immunization.

(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003.

(b) This section applies only to a first-time student of an institution of higher education or private or independent institution of higher education, including a transfer student, who resides in, or has applied for on-campus housing and been approved to reside in, an on-campus dormitory or other on-campus student housing facility at the institution.

(c) Except as provided by Subsection (d), a student to whom this section applies or a parent or guardian of the student must provide to the institution, at the time and in the manner prescribed by rules adopted by the Texas Higher Education Coordinating Board, a certificate

House Bill 103
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

signed by a health practitioner evidencing that the student has been vaccinated against bacterial meningitis.

(d) A student to whom this section applies or a parent or guardian of the student is not required to comply with Subsection (c) if the student or a parent or guardian of the student submits to the institution:

(1) an affidavit or a certificate signed by a physician who is duly registered and licensed to practice medicine in the United States in which it is stated that, in the physician's opinion, the vaccination required would be injurious to the health and well-being of the student; or

(2) an affidavit signed by the student stating that the student declines the vaccination for bacterial meningitis for reasons of conscience, including a religious belief, except that the exemption provided by this subdivision does not apply during a disaster or public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency declared by an appropriate official or other authority and in effect for the location of the institution the student attends.

(e) The Texas Higher Education Coordinating Board, in consultation with institutions of higher education and private or independent institutions of higher education, shall adopt rules for the administration of this section, including rules establishing the date by which a student who is required to comply with Subsection (c) must have received the vaccination required by that subsection, which may not be later than the date the student initially moves into an on-campus dormitory or other on-campus

House Bill 103
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

student housing facility at an institution.

No equivalent provision.

SECTION ____ Section 51.9192, Education Code, as added by this Act, applies only to first-time students enrolling in public or private or independent institutions of higher education in this state on or after January 1, 2010.

Removed from Conference version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

**TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives**

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB103 by Brown, Fred (Relating to health benefit plans for students at institutions of higher education and the operation of certain health benefit plans through student health centers at certain institutions of higher education.), Conference Committee Report

The fiscal implications of the bill cannot be determined at this time.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time.

Source Agencies:

LBB Staff: JOB, JRO

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H B. 103 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.



(name)

5/30/09

(date)