



TEXAS ASSOCIATION *of* COUNTIES

Health & Human Services Issues

Newly Elected County Judge &
Commissioners Seminar
January 14, 2015

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Learning Objectives

- ▶ County Indigent Health Care Program
- ▶ Role of the County Health Authority
- ▶ Accessing Financial support & other resources from State & Federal governments

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Chapter 61 of the Health & Safety Code

Statutory Obligation of local Texas Governments to provide Health Care Coverage
Counties
Hospital Districts
Public Hospitals

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History

- ▶ The Indigent Health Care Act was passed by the Texas Legislature in May 1985 with requirement for counties to implement on September 1, 1986
- ▶ The act spelled out how local governments would handle a century old Texas law that requires counties to “provide for the support of paupers, residents of their county who are unable to support themselves”. *Sec. 81.027 of the Local Government Code*
- ▶ This law addressed health care ONLY. All counties are still responsible for non-health “pauper” care, such as burial.

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CIHCP

- ▶ The County Indigent Health Care Program (CIHCP) provides health care services to eligible residents through the counties, hospital districts and public hospitals in Texas.
- ▶ Chapter 61, Health And Safety Code, defines the responsibilities of counties, hospital districts, and public hospitals in providing health care to eligible residents who are considered indigent.

Texas Administrative Code, Title 25, Part 1, Chapter 14 establishes the County Indigent Health Care Program (CIHCP) rules regarding program administration, determining eligibility, and providing services.

Counties that are not fully served by a public facility, i.e., a hospital district or a public hospital, are responsible for administering an indigent health care program for eligible residents of all or any portion of the county not served by a public facility.

Hospital districts and public hospitals are required to establish an application procedure and provide health care to eligible residents who reside in the hospital district's or public hospital's service area and meet the minimum resource and income limits.

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TDSHS Role

- ▶ **The Texas Department of State Health Services (DSHS):**
- ▶ Establishes minimum eligibility standards and application, documentation, and verification procedures that are consistent with the analogous procedures used to determine eligibility in the Temporary Assistance for Needy Families (TANF)–Medicaid program and that the counties should use in determining CIHCP eligibility,
- ▶ Defines the basic and department–established optional health care services in accordance with the TANF–Medicaid program,
- ▶ Establishes the payment standards for basic and DSHS–established optional health care services in accordance with the TANF–Medicaid program,

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TDSHS ROLE continued

- ▶ Provides technical assistance and training to counties, hospital districts, and public hospitals,
- ▶ Processes eligibility disputes between providers of health care assistance and governmental entities or hospital districts, and
- ▶ Administers the state assistance fund. Counties may qualify for state assistance funds when they exceed 8% of the county's general revenue tax levy (GRTL) for basic and DSHS-established optional health care services provided to eligible county residents.

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Who are Chapter 61 Entities?

- ▶ 143 Counties
- ▶ 18 Public Hospitals
- ▶ 142 Hospital Districts

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Who Does It Cover?

Households who meet the income, residency, resource and household composition of the responsible local government & who do not or would not qualify for Medicaid.

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Target Population

- ▶ Target Population
Those who are categorically in-eligible for Medicaid via TANF and who reside in the local responsible jurisdiction (County, Hospital District, Public Hospital)
- ▶ Income: Up to 21% of Federal Poverty Level. Counties may choose to increase the monthly income standard to a maximum of 50% FPL, and still qualify to apply for state assistance funds.

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What is the criteria?

- Income
 - County= must adopt minimum income of 21% FPL but may adopt less restrictive income standards. (Most = 21-25%)
 - Public= May use the TDSHS established income & resource guidelines or adopt less restrictive standards.
 - ✓ Very large HD such as Parkland, Bexar, Harris may have income criteria of 200% FPL or greater
 - ✓ Most other smaller Hospital Districts and Public Hospitals range between 21-50% FPL
- Household composition
 - Household includes all those who are legally responsible for each other, excluding those in the household who receive Medicaid

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What is the Criteria

- Resources:
 - Total countable household resources do not exceed \$2000
 - Total countable household resources do not \$3,000 when a person who is aged/disabled and meets relationship requirement resides in the home.
- Residency:
 - Resides or intends to remain and reside in the local government jurisdiction in which he/she applies
 - No duration requirements
 - Residency is not equal to citizenship
 - College students, those in treatment facilities, etc., should apply in their resident jurisdiction, which may or may not be where they “temporarily reside” to attend school or get treatment

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2014 Monthly Gross Income Screening Table

21% FPL

1	205 / 428
2	276 / 534
3	347 / 641
4	418 / 747
5	489 / 854
6	560 / 960
7	631 / 1067
8	702 / 1173
9	773 / 1280
10	844 / 1386

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CIHCP Basic Services

- ▶ Immunizations
- ▶ Medical screening services
- ▶ Annual physical examinations
- ▶ Inpatient hospital services
- ▶ Outpatient hospital services, including hospital-based ambulatory surgical center services
- ▶ Rural health clinics

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Basic Services Continued

- ▶ Laboratory and x-ray services
- ▶ Family planning services
- ▶ Physician services
- ▶ Payment for not more than three prescription drugs per month
- ▶ Skilled nursing facility services

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Optional Services

A county may elect to provide these DSHS-established optional health care services

- Advance Practice Nurse (APN_)
- Ambulatory Surgical Centers (ASC)
- Colostomy medical supplies and equipment
- Counseling provided by a licensed clinical social worker (LCSW), a licensed marriage family therapist (LMFT), a licensed professional counselor (LPC), or a PH.D. psychologist
- Dental Care

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Optional Services Continued

- Diabetic medical supplies and equipment
- Durable medical equipment (DME)
- Emergency Medical Services (EMS)
- Home and community health care services
- Physician Assistant (PA)
- Vision care, including glasses
- Federally Qualified Health Center (FQHC)
- Occupational Therapy
- Physical Therapy
- Other Medically necessary services or supplies that the local governmental municipality/ entity determines to be cost effective

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The Local Health Authority

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History

From the Texas State Historical Association: **COUNTY HEALTH AUTHORITY.** In 1891 the county judge was empowered by the legislature to appoint a part-time county physician to make and enforce local quarantine regulations, but in 1909 the office was abolished and the position of county health officer was established. The county health officer had to be a licensed physician of good standing. He was appointed biennially by the county commissioners' court and was charged with giving medical care to people in jails and poorhouses and to those on the pauper rolls of the county.

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History continued

In addition, he cooperated with the State Department of Public Health (see TEXAS DEPARTMENT OF HUMAN SERVICES) in matters relating to quarantine, inspection, disease prevention, and vital statistics. Legislation passed in the 1980s replaced the designation "county health officer" with "county health authority." The health authority's duties could be delegated among the staff of the local county health department.

BIBLIOGRAPHY:

Texas Advisory Commission on Intergovernmental Relations, *Handbook of Governments in Texas* (Austin, 1973-).

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Acronyms

- ▶ LHA = Local Health Authority
- ▶ LHD = Local Health Department
- ▶ DSHS = Department of State Health Services

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Local Health Authority

Appointment and Term

- ▶ In accordance with Texas Health and Safety Code, Chapter 121.021, a Local Health Authority is a
- ▶ physician appointed to administer state and local laws relating to public health within the appointing body's jurisdiction. A health authority serves for a term of two years and may be appointed to successive terms.

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Duties of the LHA

Under Section 121.024, a health authority is a state officer when performing duties prescribed by state law. A health authority shall perform each duty that is

(1) necessary to implement and enforce a law to protect the public health; or

(2) prescribed by the board. Duties of a health authority include

(1) establishing, maintaining, and enforcing quarantine in the health authority's jurisdiction;

(2) aiding the

board in relation to local quarantine, inspection, disease prevention and suppression, birth and death statistics, and general sanitation in the health authority's jurisdiction

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Counties without LHDs

- ▶ A county without a local health department is **not** obligated to have a local health authority.
- ▶ A DSHS Regional Director shall perform the duties of a health authority in a county/ jurisdiction where there is no local health authority. (A regional director is a physician who is employed by DSHS department and serves as the chief administrative officer of a region.)
- ▶ No monetary contribution is required by a county to sustain a local health authority.

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Requirements for the LHA

- ▶ Be a competent physician with a reputable professional standing who is legally qualified to practice medicine in Texas
- ▶ Take and subscribe to the official oath of office required by the Texas Constitution, Article 16,
- ▶ Be a resident of Texas
- ▶ File a copy of the oath and statement of appointed officer with the appropriate DSHS Regional Office within ten working days of the date of taking the oath

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Benefits of LHA

- ▶ Gives counties control over public health emergencies.
- ▶ Provides a rapid response to locally occurring conditions, crisis situations and disease outbreaks. A higher degree of legal protections for Commissioners and County Judge in areas relating to responsibilities of Public Health.
- ▶ Having a LHA could provide opportunities for public health grants and community assessments.

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Recap

A Health Authority is a physician who administers state and local laws relating to public health within a local government's jurisdiction.

Appointed by city council or county commissioner, commissioner's court or health department/district director for 2 year term.

Duties include aiding the state with quarantine, sanitation enforcement, public health law enforcement, reportable diseases, vital statistics collection.

Mandatory only in jurisdictions that receive funding from DSHS for essential public health services.

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Financial Support & Resources



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State & Federal Resources

- ▶ Community Development Block Grants
- ▶ FEMA Temporary Emergency Relief
- ▶ Texas Indigent Defense Commission
- ▶ Texas Department of State Health Services
- ▶ Texas Department of Health & Human Services
- ▶ Office of the Governor
- ▶ Texas Juvenile Justice Division
- ▶ Texas Department of Criminal Justice, Community Justice Division
- ▶ Various Other Criminal Justice Grants
- ▶ 1115 Waiver

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1115 Medicaid Transformation Waiver

- ▶ The benefits of this waiver to the citizens of Texas include:
 - Improved access to quality health care throughout the state;
 - Increased funding to areas serving greater Medicaid, uninsured and/or underinsured populations;
 - Transforms health care delivery systems; and
 - Addresses community health needs.
- ▶ Funding structure:
 - UC: Uncompensated Care (hospitals)
 - based on cost
 - DSRIP: Delivery System Reform Incentive Payments
 - based on value

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For more information.....

- ▶ Burial of Deceased Paupers
<http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.694.htm>
- ▶ County Indigent Health Care Program
<http://www.dshs.state.tx.us/cihcp/>
- ▶ Texas Medicaid Transformation 1115 Waiver
<http://www.hhsc.state.tx.us/1115-waiver.shtml>
- ▶ Community Development Block Grant Program
http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs
- ▶ Texas Indigent Defense Commission
<http://www.tidc.texas.gov/grants-reporting/discretionary.aspx>

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For more information continued.....

Local Health Authority

- ▶ www.dshs.state.tx.us/rls/lha/pubs/instructions.pdf
- ▶ www.dshs.state.tx.us/region1/documents/tmp-LocalHealthAuthority.pdf
- ▶ <http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.121.htm>;
- ▶ [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=25&pt=1&ch=85&rl=1](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=25&pt=1&ch=85&rl=1)

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THANK YOU

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