



RQ-792

# Texas Department of Health

David R. Smith, M.D.  
Commissioner

1100 West 49th Street  
Austin, Texas 78756-3199  
(512) 458-7111

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March 9, 1995

FILE # ML-32332-95

I.D. # 32332

The Honorable Dan Morales  
Attorney General of Texas  
209 West 14th and Colorado Street  
Austin, Texas 78711

RECEIVED

MAR 15 1995

Opinion Committee

Re: Interpretation of the Texas Family Code, Section 14.52

Dear General Morales:

This request for an Attorney General's Opinion is being made under authority of the Texas Government Code, Section 402.042 (b) (2). The facts are as follows:

1. The Texas Family Code, Section 14.52 (d), requires persons who submit a bid or enter into a state contract to submit a signed, sworn statement accompanying the bid which affirms that the bidder is not delinquent in providing child support.
2. The Texas Department of Health (department) implements the Federal Title XIX Medicaid Program in the State of Texas. The department performs this function through contract with the National Heritage Insurance Company (NHIC). NHIC does not request bids from providers (physicians and other health care professionals/entities) to participate in the medicaid program but conducts ongoing recruitment activities to encourage voluntary provider participation. Those wishing to participate must complete a provider enrollment application, meet provider criteria and sign a provider agreement (samples of enrollment forms and provider agreements are attached to this request). A rough estimate of providers currently enrolled in the range of 80,000 to 100,000.

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The department's question is whether Section 14.52 (d) of the Family Code applies to this provider enrollment process. Your consideration of this request will be greatly appreciated. If you have any questions or need additional information, please notify Sally Denton, Attorney, Office of General Counsel, Department of Health (512) 458-7236.

Sincerely,

A handwritten signature in black ink, appearing to read "David R. Smith, M.D.", with a stylized flourish at the end.

David R. Smith, M.D.  
Commissioner of Health

Attachments