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et al.

H.B. No. 1599

A BILL TO BE ENTITLED

1 AN ACT

2 relating to implementation of an express lane option for  
3 determining eligibility and enrolling certain individuals in  
4 Medicaid or the child health plan program.

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

6 SECTION 1. Section 62.1011, Health and Safety Code, is  
7 amended to read as follows:

8 Sec. 62.1011. VERIFICATION OF INCOME. (a) Except as  
9 provided by Subsection (b) and subject to Subsection (c), the [The]  
10 commission shall continue employing methods of verifying the  
11 individual incomes of the individuals considered in the calculation  
12 of an applicant's household income.

13 (b) The commission shall verify income under this section  
14 unless the applicant reports a household income that exceeds the  
15 income eligibility level established under Section 62.101(b).

16 (c) The commission may verify income using the verification  
17 process described in Section 62.1012.

18 SECTION 2. Subchapter C, Chapter 62, Health and Safety  
19 Code, is amended by adding Section 62.1012 to read as follows:

20 Sec. 62.1012. EXPRESS LANE OPTION ELIGIBILITY; ENROLLMENT.

21 (a) In this section:

22 (1) "Express lane agency" means a governmental entity  
23 that:

24 (A) determines eligibility for assistance under

1 a public assistance program of this state; and

2 (B) is designated by the executive commissioner  
3 as capable of making determinations of one or more eligibility  
4 requirements under the child health plan program.

5 (2) "Public assistance program" includes:

6 (A) the Medicaid program under Chapter 32, Human  
7 Resources Code;

8 (B) the financial assistance program under  
9 Chapter 31, Human Resources Code;

10 (C) the nutritional assistance programs under  
11 Chapter 33, Human Resources Code, including the supplemental  
12 nutrition assistance program under that chapter; and

13 (D) other programs identified by the commission.

14 (b) Notwithstanding any other law and in accordance with  
15 Sections 1902(e)(13) and 2107(e)(1)(H) of the Social Security Act  
16 (42 U.S.C. Sections 1396a(e)(13) and 1397gg(e)(1)(H)), the  
17 commission shall implement an express lane option under which the  
18 commission may rely on findings made by an express lane agency,  
19 including a division of an express lane agency, in determining a  
20 child's eligibility for coverage under the child health plan,  
21 including a child's eligibility for reenrollment in the plan. The  
22 commission shall use express lane eligibility by evaluating data  
23 received from an applicant under other public assistance programs  
24 to determine the applicant's eligibility for coverage under the  
25 child health plan.

26 (c) In accordance with Section 1902(e)(13)(D) of the Social  
27 Security Act (42 U.S.C. Section 1396a(e)(13)(D)), the commission

1 shall enroll in the child health plan program a child who is  
2 determined to be eligible for the program under this section,  
3 except that the child may only be enrolled in the program if the  
4 child's parent, legal guardian, or custodial relative  
5 affirmatively consents to the enrollment. The consent:

6 (1) must be provided in accordance with identity  
7 verification standards the commission establishes; and

8 (2) may be provided:

9 (A) orally;

10 (B) by telephone;

11 (C) in writing, including:

12 (i) by electronic signature; or

13 (ii) in an application for coverage or  
14 benefits under a public assistance program; or

15 (D) by any other manner the commission determines  
16 appropriate.

17 (d) The commission and each express lane agency shall  
18 include in each application for coverage or benefits under a public  
19 assistance program, including any online application, and on the  
20 commission's or agency's Internet website a conspicuous notice  
21 clearly explaining that:

22 (1) the information disclosed in the application may  
23 be used to determine a child's eligibility for coverage under the  
24 child health plan program using the express lane option implemented  
25 under this section;

26 (2) the child's parent, legal guardian, or custodial  
27 relative may elect not to have the information disclosed for that

1 purpose; and

2 (3) the child's parent, legal guardian, or custodial  
3 relative must provide affirmative consent before the child may be  
4 enrolled in the child health plan program using the express lane  
5 option implemented under this section.

6 (e) In accordance with 42 C.F.R. Section 457.340(e), the  
7 commission shall provide to the parent, legal guardian, or  
8 custodial relative of a child determined eligible for coverage  
9 under the child health plan program using the express lane option  
10 implemented under this section notice of that determination. The  
11 notice may be provided by mail, e-mail, or any other manner the  
12 commission determines appropriate.

13 SECTION 3. Sections 32.026(e) and (g), Human Resources  
14 Code, are amended to read as follows:

15 (e) The executive commissioner shall permit a  
16 recertification review of the eligibility and need for medical  
17 assistance of a child under 19 years of age to be conducted by  
18 telephone or mail instead of through a personal appearance at an  
19 office, unless the commission determines that the information  
20 needed to verify eligibility cannot be obtained in that manner or  
21 may be obtained in the manner specified by Section 32.026102. The  
22 executive commissioner by rule may develop procedures to determine  
23 whether there is a need for a recertification review of a child  
24 described by this subsection to be conducted through a personal  
25 interview with a commission representative. Procedures developed  
26 under this subsection shall be based on objective, risk-based  
27 factors and conditions and shall focus on a targeted group of

1 recertification reviews for which there is a high probability that  
2 eligibility will not be recertified.

3 (g) Notwithstanding any other provision of this code, the  
4 commission may use information obtained from a third party to  
5 verify the assets and resources of a person for purposes of  
6 determining the person's eligibility and need for medical  
7 assistance to the extent that verification is applicable under  
8 federal law. Third-party information includes information  
9 obtained from:

10 (1) a consumer reporting agency, as defined by Section  
11 [20.01](#), Business & Commerce Code;

12 (2) an appraisal district; ~~[or]~~

13 (3) the Texas Department of Motor Vehicles vehicle  
14 registration record database; or

15 (4) an express lane agency as defined by Section  
16 32.026102.

17 SECTION 4. Subchapter B, Chapter 32, Human Resources Code,  
18 is amended by adding Section 32.026102 to read as follows:

19 Sec. 32.026102. EXPRESS LANE OPTION ELIGIBILITY;  
20 ENROLLMENT. (a) In this section:

21 (1) "Express lane agency" means a governmental entity  
22 that:

23 (A) determines eligibility for assistance under  
24 a public assistance program of this state; and

25 (B) is designated by the executive commissioner  
26 as capable of making determinations of one or more eligibility  
27 requirements under the medical assistance program.

1           (2) "Public assistance program" includes:

2                   (A) the child health plan program under Chapters  
3 62 and 63, Health and Safety Code;

4                   (B) the financial assistance program under  
5 Chapter 31;

6                   (C) the nutritional assistance programs under  
7 Chapter 33, including the supplemental nutrition assistance  
8 program under that chapter; and

9                   (D) other programs identified by the commission.

10           (b) Notwithstanding any other law and in accordance with  
11 Section 1902(e)(13) of the Social Security Act (42 U.S.C. Section  
12 1396a(e)(13)), the commission shall implement an express lane  
13 option under which the commission may rely on findings made by an  
14 express lane agency, including a division of an express lane  
15 agency, in determining a child's eligibility for medical  
16 assistance, including the recertification of a child's eligibility  
17 for medical assistance benefits. The commission shall use express  
18 lane eligibility by evaluating data received from an applicant  
19 under other public assistance programs to determine the applicant's  
20 eligibility for benefits under the medical assistance program.

21           (c) In accordance with Section 1902(e)(13)(D) of the Social  
22 Security Act (42 U.S.C. Section 1396a(e)(13)(D)), the commission  
23 shall enroll in the medical assistance program a child who is  
24 determined to be eligible for the program under this section,  
25 except that the child may only be enrolled in the program if the  
26 child's parent, legal guardian, or custodial relative  
27 affirmatively consents to the enrollment. The consent:

1           (1) must be provided in accordance with identity  
2 verification standards the commission establishes; and

3           (2) may be provided:

4                   (A) orally;

5                   (B) by telephone;

6                   (C) in writing, including:

7                           (i) by electronic signature; or

8                           (ii) in an application for coverage or  
9 benefits under a public assistance program; or

10                   (D) by any other manner the commission determines  
11 appropriate.

12           (d) The commission and each express lane agency shall  
13 include in each application for coverage or benefits under a public  
14 assistance program, including any online application, and on the  
15 commission's or agency's Internet website a conspicuous notice  
16 clearly explaining that:

17                   (1) the information disclosed in the application may  
18 be used to determine a child's eligibility for medical assistance  
19 benefits using the express lane option implemented under this  
20 section;

21                   (2) the child's parent, legal guardian, or custodial  
22 relative may elect not to have the information disclosed for that  
23 purpose; and

24                   (3) the child's parent, legal guardian, or custodial  
25 relative must provide affirmative consent before the child may be  
26 enrolled in the medical assistance program using the express lane  
27 option implemented under this section.

1       (e) In accordance with 42 C.F.R. Section 435.917, the  
2 commission shall provide to the parent, legal guardian, or  
3 custodial relative of a child determined eligible for benefits  
4 under the medical assistance program using the express lane option  
5 implemented under this section notice of that determination. The  
6 notice may be provided by mail, e-mail, or any other manner the  
7 commission determines appropriate.

8       SECTION 5. If before implementing any provision of this Act  
9 a state agency determines that a waiver or authorization from a  
10 federal agency is necessary for implementation of that provision,  
11 the agency affected by the provision shall request the waiver or  
12 authorization and may delay implementing that provision until the  
13 waiver or authorization is granted.

14       SECTION 6. This Act takes effect September 1, 2023.