

By: Wohlgemuth

H.B. No. 3342

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the continuous eligibility of certain children for
3 medical assistance benefits.

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

5 SECTION 1. Section 32.026(e), Human Resources Code, is
6 amended to read as follows:

7 (e) The department shall permit a recertification review of
8 the eligibility and need for medical assistance of a child under 19
9 years of age to be conducted by a person-to-person telephone
10 interview or through a combination of a telephone interview and
11 mail correspondence instead of through a personal appearance at a
12 department office.

13 SECTION 2. Section 32.0261, Human Resources Code, is
14 amended to read as follows:

15 Sec. 32.0261. CONTINUOUS ELIGIBILITY ON INITIAL
16 DETERMINATION. (a) The department shall adopt rules in accordance
17 with 42 U.S.C. Section 1396a(e)(12), as amended, to provide for a
18 period of continuous eligibility for a child under 19 years of age
19 who is initially determined to be eligible for medical assistance
20 under this chapter. The rules shall provide that the child remains
21 eligible for medical assistance, without additional review by the
22 department and regardless of changes in the child's resources or
23 income, until the earlier of:

24 (1) the 90th day after [~~the first anniversary of~~] the

1 date on which the child's eligibility was initially determined; or

2 (2) the child's 19th birthday.

3 (b) After an initial 90-day period of continuous
4 eligibility under this section, a child's eligibility and need for
5 medical assistance must be recertified by the department on a
6 monthly basis in accordance with department rules.

7 SECTION 3. The following laws are repealed:

8 (1) Section 32.025(e), Human Resources Code; and

9 (2) Sections 8, 10(b), and 10(c), Chapter 584, Acts of
10 the 77th Legislature, Regular Session, 2001.

11 SECTION 4. If rules are adopted under Section 10(c),
12 Chapter 584, Acts of the 77th Legislature, Regular Session, 2001,
13 before the effective date of this Act:

14 (1) the rules are repealed on the effective date of
15 this Act; and

16 (2) as soon as possible after the effective date of
17 this Act, the Health and Human Services Commission or the
18 appropriate agency operating part of the medical assistance program
19 under Chapter 32, Human Resources Code, shall adopt rules required
20 by Section 32.0261, Human Resources Code, as amended by this Act,
21 that provide for a 90-day period of continuous eligibility on
22 initial determination of eligibility in accordance with that
23 section for a child.

24 SECTION 5. If before implementing any provision of this Act
25 a state agency determines that a waiver or authorization from a
26 federal agency is necessary for implementation of that provision,
27 the agency affected by the provision shall request the waiver or

1 authorization and may delay implementing that provision until the
2 waiver or authorization is granted.

3 SECTION 6. (a) This Act takes effect immediately if it
4 receives a vote of two-thirds of all the members elected to each
5 house, as provided by Section 39, Article III, Texas Constitution.
6 If this Act does not receive the vote necessary for immediate
7 effect, this Act takes effect September 1, 2003.

8 (b) This Act applies to a determination of initial or
9 continued eligibility for medical assistance made on or after the
10 effective date of this Act. A determination made before the
11 effective date of this Act is governed by the law in effect on that
12 date, and that law is continued in effect for that purpose.