

By: Zaffirini

S.B. No. 1522

A BILL TO BE ENTITLED

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AN ACT

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

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

SECTION 1. Subsection (c), Section 10, Chapter 584, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(c) The Health and Human Services Commission or the appropriate state agency operating part of the medical assistance program under Chapter 32, Human Resources Code, shall adopt rules required by Section 32.0261, Human Resources Code, as added by this Act, so that the rules take effect in accordance with that section not earlier than September 1, 2002, or later than June 1, 2005 [~~2003~~]. The rules must provide for a 12-month period of continuous eligibility in accordance with that section for a child whose initial or continued eligibility is determined on or after the effective date of the rules.

SECTION 2. Subsection (e), Section 32.025, Human Resources Code, is amended to read as follows:

(e) The department shall permit an application requesting medical assistance for a child under 19 years of age to be conducted by mail instead of through a personal appearance at a department office, unless the department determines that the information needed to verify eligibility cannot be obtained in that manner. The

1 commissioner by rule may develop procedures that require an
2 application requesting medical assistance to be conducted by a
3 personal interview with a department representative when it is
4 determined that the information needed to verify eligibility cannot
5 be obtained in any other manner.

6 SECTION 3. Section 32.026, Human Resources Code, is amended
7 by amending Subsection (e) and adding Subsection (g) to read as
8 follows:

9 (e) The department shall permit a recertification review of
10 the eligibility and need for medical assistance of a child under 19
11 years of age to be conducted by telephone or mail instead of through
12 a personal appearance at a department office, unless the department
13 determines that the information needed to verify eligibility cannot
14 be obtained in that manner. The commissioner by rule may develop
15 procedures that require a recertification review to be conducted by
16 a personal interview with a department representative when it is
17 determined that the information needed to verify eligibility cannot
18 be obtained in any other manner.

19 (g) Notwithstanding any other provision of this code, the
20 department may use information obtained from a third party to
21 verify the assets and resources of a person for purposes of
22 determining the person's eligibility and need for medical
23 assistance. Third-party information includes information obtained
24 from:

25 (1) a consumer reporting agency, as defined by Section
26 20.01, Business & Commerce Code;

27 (2) an appraisal district; or

1 (3) the Texas Department of Transportation's vehicle
2 registration record database.

3 SECTION 4. In the event of a conflict between a provision of
4 this Act and another Act passed by the 78th Legislature, Regular
5 Session, 2003, that becomes law, this Act prevails and controls
6 regardless of the relative dates of enactment.

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

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