

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 September 1, 2005 [~~June 1, 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 department by rule may develop procedures requiring an application
2 for a child described by this subsection to be conducted through a
3 personal interview with a department representative only if the
4 department determines that information needed to verify
5 eligibility cannot 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 department by rule may develop
15 procedures to determine whether there is a need for a
16 recertification review of a child described by this subsection to
17 be conducted through a personal interview with a department
18 representative. Procedures developed under this subsection shall
19 be based on objective, risk-based factors and conditions and shall
20 focus on a targeted group of recertification reviews for which
21 there is a high probability that eligibility will not be
22 recertified.

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

1 from:

2 (1) a consumer reporting agency, as defined by Section
3 20.01, Business & Commerce Code;

4 (2) an appraisal district; or

5 (3) the Texas Department of Transportation's vehicle
6 registration record database.

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

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

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1522 passed the Senate on May 1, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 30, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1522 passed the House, with amendments, on May 28, 2003, by the following vote: Yeas 140, Nays 1, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor