

By: Zaffirini

S.B. No. 1522

Substitute the following for S.B. No. 1522:

By: Luna

C.S.S.B. No. 1522

A BILL TO BE ENTITLED

AN ACT

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

7 (c) The Health and Human Services Commission or the
8 appropriate state agency operating part of the medical assistance
9 program under Chapter 32, Human Resources Code, shall adopt rules
10 required by Section 32.0261, Human Resources Code, as added by this
11 Act, so that the rules take effect in accordance with that section
12 not earlier than September 1, 2002, or later than June 1, 2005
13 [~~2003~~]. The rules must provide for a 12-month period of continuous
14 eligibility in accordance with that section for a child whose
15 initial or continued eligibility is determined on or after the
16 effective date of the rules.

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

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

1 for a child described by this subsection to be conducted through a
2 personal interview with a department representative only if the
3 department determines that information needed to verify
4 eligibility cannot be obtained in any other manner.

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

8 (e) The department shall permit a recertification review of
9 the eligibility and need for medical assistance of a child under 19
10 years of age to be conducted by telephone or mail instead of through
11 a personal appearance at a department office, unless the department
12 determines that the information needed to verify eligibility cannot
13 be obtained in that manner. The department by rule may develop
14 procedures to determine whether there is a need for a
15 recertification review of a child described by this subsection to
16 be conducted through a personal interview with a department
17 representative. Procedures developed under this subsection shall
18 be based on objective, risk-based factors and conditions and shall
19 focus on a targeted group of recertification reviews for which
20 there is a high probability that eligibility will not be
21 recertified.

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

- 1 (1) a consumer reporting agency, as defined by Section
2 20.01, Business & Commerce Code;
3 (2) an appraisal district; or
4 (3) the Texas Department of Transportation's vehicle
5 registration record database.

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

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

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