

1-1 By: Zaffirini S.B. No. 1522
1-2 (In the Senate - Filed March 14, 2003; March 20, 2003, read
1-3 first time and referred to Committee on Finance; April 29, 2003,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 12, Nays 0; April 29, 2003, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1522 By: Zaffirini

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the continuous eligibility of certain children for
1-10 medical assistance benefits.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (c), Section 10, Chapter 584, Acts of
1-13 the 77th Legislature, Regular Session, 2001, is amended to read as
1-14 follows:

1-15 (c) The Health and Human Services Commission or the
1-16 appropriate state agency operating part of the medical assistance
1-17 program under Chapter 32, Human Resources Code, shall adopt rules
1-18 required by Section 32.0261, Human Resources Code, as added by this
1-19 Act, so that the rules take effect in accordance with that section
1-20 not earlier than September 1, 2002, or later than June 1, 2005
1-21 [~~2003~~]. The rules must provide for a 12-month period of continuous
1-22 eligibility in accordance with that section for a child whose
1-23 initial or continued eligibility is determined on or after the
1-24 effective date of the rules.

1-25 SECTION 2. Subsection (e), Section 32.025, Human Resources
1-26 Code, is amended to read as follows:

1-27 (e) The department shall permit an application requesting
1-28 medical assistance for a child under 19 years of age to be conducted
1-29 by mail instead of through a personal appearance at a department
1-30 office, unless the department determines that the information
1-31 needed to verify eligibility cannot be obtained in that manner. The
1-32 commissioner by rule may develop procedures that require an
1-33 application requesting medical assistance to be conducted by a
1-34 personal interview with a department representative when it is
1-35 determined that the information needed to verify eligibility cannot
1-36 be obtained in any other manner.

1-37 SECTION 3. Section 32.026, Human Resources Code, is amended
1-38 by amending Subsection (e) and adding Subsection (g) to read as
1-39 follows:

1-40 (e) The department shall permit a recertification review of
1-41 the eligibility and need for medical assistance of a child under 19
1-42 years of age to be conducted by telephone or mail instead of through
1-43 a personal appearance at a department office, unless the department
1-44 determines that the information needed to verify eligibility cannot
1-45 be obtained in that manner. The commissioner by rule may develop
1-46 procedures that require a recertification review to be conducted by
1-47 a personal interview with a department representative when it is
1-48 determined that the information needed to verify eligibility cannot
1-49 be obtained in any other manner.

1-50 (g) Notwithstanding any other provision of this code, the
1-51 department may use information obtained from a third party to
1-52 verify the assets and resources of a person for purposes of
1-53 determining the person's eligibility and need for medical
1-54 assistance. Third-party information includes information obtained
1-55 from:

1-56 (1) a consumer reporting agency, as defined by Section
1-57 20.01, Business & Commerce Code;

1-58 (2) an appraisal district; or

1-59 (3) the Texas Department of Transportation's vehicle
1-60 registration record database.

1-61 SECTION 4. In the event of a conflict between a provision of
1-62 this Act and another Act passed by the 78th Legislature, Regular
1-63 Session, 2003, that becomes law, this Act prevails and controls

2-1 regardless of the relative dates of enactment.

2-2 SECTION 5. If before implementing any provision of this Act
2-3 a state agency determines that a waiver or authorization from a
2-4 federal agency is necessary for implementation of that provision,
2-5 the agency affected by the provision shall request the waiver or
2-6 authorization and may delay implementing that provision until the
2-7 waiver or authorization is granted.

2-8 SECTION 6. This Act takes effect immediately if it receives
2-9 a vote of two-thirds of all the members elected to each house, as
2-10 provided by Section 39, Article III, Texas Constitution. If this
2-11 Act does not receive the vote necessary for immediate effect, this
2-12 Act takes effect September 1, 2003.

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