

By: Paxton

H.B. No. 40

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring certain applicants for and recipients of
3 medical assistance to provide proof of citizenship or nationality
4 and of identity.

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

6 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,
7 is amended by adding Sections 32.0252 and 32.0253 to read as
8 follows:

9 Sec. 32.0252. CERTAIN APPLICANTS REQUIRED TO PROVIDE PROOF
10 OF CITIZENSHIP OR NATIONALITY AND OF IDENTITY. (a) An applicant,
11 other than an applicant described by 42 U.S.C. Section 1396b(x)(2)
12 and applicable federal regulations, who states the applicant is a
13 United States citizen or national must provide proof to the
14 department of the applicant's citizenship or nationality and
15 identity at the time the application for medical assistance is
16 filed.

17 (b) An applicant may provide one of the following documents
18 as proof of both citizenship or nationality and identity:

19 (1) a United States passport;

20 (2) a certificate of naturalization (federal Form
21 N-550 or N-570);

22 (3) a certificate of United States citizenship
23 (federal Form N-560 or N-561); or

24 (4) except as provided by Subsection (d), any other

1 document specified by 42 U.S.C. Section 1396b(x) and applicable
2 federal regulations as acceptable proof of both an applicant's
3 citizenship or nationality and identity.

4 (c) An applicant who is unable to provide one of the
5 documents listed in Subsection (b) may provide:

6 (1) as proof of citizenship or nationality, one of the
7 following documents:

8 (A) a certified copy of the applicant's
9 certificate of birth in the United States;

10 (B) a certification of birth abroad (federal Form
11 FS-545 or DS-1350);

12 (C) a United States citizen identification card
13 (federal Form I-97) issued by the former United States Immigration
14 and Naturalization Service;

15 (D) a report of birth abroad of a United States
16 citizen (federal Form FS-240); or

17 (E) except as provided by Subsection (d), any
18 other document specified by 42 U.S.C. Section 1396b(x) and
19 applicable federal regulations as acceptable proof of an
20 applicant's citizenship or nationality; and

21 (2) as proof of identity, one of the following:

22 (A) a driver's license or a personal
23 identification card issued to the applicant by the Department of
24 Public Safety or a similar document issued to the applicant by an
25 agency of another state if the document contains a photograph of the
26 applicant or a physical description of the applicant sufficient to
27 establish the applicant's identity; or

1 (B) any other document specified by 42 U.S.C.
2 Section 1396b(x) and applicable federal regulations as acceptable
3 proof of an applicant's identity.

4 (d) Notwithstanding any other law, the department may not
5 accept as proof of citizenship an affidavit by an individual with
6 knowledge of the events or circumstances establishing an
7 applicant's claim of citizenship.

8 Sec. 32.0253. CERTAIN RECIPIENTS REQUIRED TO PROVIDE PROOF
9 OF CITIZENSHIP ON RECERTIFICATION OF ELIGIBILITY. (a) A recipient
10 of medical assistance who, before September 1, 2007, provided an
11 affidavit authorized by 42 C.F.R. Section 435.407(d)(5) or
12 436.407(d)(5) as proof of the recipient's citizenship shall, at the
13 recipient's first recertification review of eligibility and need
14 for medical assistance occurring on or after September 1, 2007,
15 provide proof of the recipient's citizenship that is acceptable
16 under Section 32.0252 as proof of citizenship of an applicant for
17 medical assistance.

18 (b) This section expires September 1, 2008.

19 SECTION 2. If before implementing any provision of this Act
20 a state agency determines that a waiver or authorization from a
21 federal agency is necessary for implementation of that provision,
22 the agency affected by the provision shall request the waiver or
23 authorization and may delay implementing that provision until the
24 waiver or authorization is granted.

25 SECTION 3. Section 32.0252, Human Resources Code, as added
26 by this Act, applies to a person who applies for medical assistance
27 on or after the effective date of this Act.

1 SECTION 4. This Act takes effect September 1, 2007.