

By: Turner, Davis of Harris, Dukes, England,  
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H.B. No. 109

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to eligibility for and information regarding the child  
3 health plan program.

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

5 SECTION 1. Section 62.002(4), Health and Safety Code, is  
6 amended to read as follows:

7 (4) "Net [~~Gross~~] family income" means the [~~total~~]  
8 amount of income established for a family after reduction for  
9 offsets for child care expenses, in accordance with standards  
10 applicable under the Medicaid [~~without consideration of any~~  
11 ~~reduction for offsets that may be available to the family under any~~  
12 ~~other~~] program.

13 SECTION 2. Subchapter B, Chapter 62, Health and Safety  
14 Code, is amended by adding Section 62.056 to read as follows:

15 Sec. 62.056. COMMUNITY OUTREACH CAMPAIGN; TOLL-FREE  
16 HOTLINE. (a) The commission shall conduct a community outreach and  
17 education campaign to provide information relating to the  
18 availability of health benefits for children under this chapter.  
19 The commission shall conduct the campaign in a manner that promotes  
20 enrollment in, and minimizes duplication of effort among, all  
21 state-administered child health programs.

22 (b) The community outreach campaign must include:

23 (1) outreach efforts that involve school-based health  
24 clinics;

1           (2) a toll-free telephone number through which  
2 families may obtain information about health benefits coverage for  
3 children; and

4           (3) information regarding the importance of each  
5 conservator of a child promptly informing the other conservator of  
6 the child about the child's health benefits coverage.

7           (c) The commission shall contract with community-based  
8 organizations or coalitions of community-based organizations to  
9 implement the community outreach campaign and shall also promote  
10 and encourage voluntary efforts to implement the community outreach  
11 campaign. The commission shall procure the contracts through a  
12 process designed by the commission to encourage broad participation  
13 of organizations, including organizations that target population  
14 groups with high levels of uninsured children.

15           (d) The commission may direct that the Department of State  
16 Health Services perform all or part of the community outreach  
17 campaign.

18           (e) The commission shall ensure that information provided  
19 under this section is available in both English and Spanish.

20           SECTION 3. Section 62.101, Health and Safety Code, is  
21 amended by amending Subsections (a) and (b) and adding Subsection  
22 (b-1) to read as follows:

23           (a) A child is eligible for health benefits coverage under  
24 the child health plan if the child:

- 25           (1) is younger than 19 years of age;
- 26           (2) is not eligible for medical assistance under the  
27 Medicaid program;

1           (3) is not covered by a health benefits plan offering  
2 adequate benefits, as determined by the commission;

3           (4) has a family income that is less than or equal to  
4 the income eligibility level established under Subsection (b);  
5 ~~and~~

6           (5) is determined by the commission to be:

7                   (A) a United States citizen; or

8                   (B) eligible for coverage under Section 62.105;

9 and

10           (6) satisfies any other eligibility standard imposed  
11 under the child health plan program in accordance with 42 U.S.C.  
12 Section 1397bb, as amended, and any other applicable law or  
13 regulations.

14           (b) The commission shall establish income eligibility  
15 levels consistent with Title XXI, Social Security Act (42 U.S.C.  
16 Section 1397aa et seq.), as amended, and any other applicable law or  
17 regulations, and subject to the availability of appropriated money,  
18 so that a child who is younger than 19 years of age and whose net  
19 ~~gross~~ family income is at or below 200 percent of the federal  
20 poverty level is eligible for health benefits coverage under the  
21 program. In addition, the commission may establish eligibility  
22 standards regarding the amount and types of allowable assets for a  
23 family whose net ~~gross~~ family income is above 150 percent of the  
24 federal poverty level.

25           (b-1) The eligibility standards adopted under Subsection  
26 (b) related to allowable assets:

27                   (1) must allow a family to own at least \$10,000 in

1 allowable assets; and

2 (2) may not in calculating the amount of allowable  
3 assets under Subdivision (1) consider:

4 (A) the value of one vehicle that qualifies for  
5 an exemption under commission rule based on its use;

6 (B) the value of a second or subsequent vehicle  
7 that qualifies for an exemption under commission rule based on its  
8 use if:

9 (i) the vehicle is worth \$18,000 or less; or

10 (ii) the vehicle has been modified to  
11 provide transportation for a household member with a disability;

12 (C) if no vehicle qualifies for an exemption  
13 based on its use under commission rule, the first \$18,000 of value  
14 of the highest valued vehicle; or

15 (D) the first \$7,500 of value of any vehicle not  
16 described by Paragraph (A), (B), or (C).

17 SECTION 4. Subchapter C, Chapter 62, Health and Safety  
18 Code, is amended by adding Section 62.1011 to read as follows:

19 Sec. 62.1011. VERIFICATION OF INCOME. The commission shall  
20 continue employing methods of verifying the net income of the  
21 individuals considered in the calculation of an applicant's net  
22 family income. The commission shall verify income under this  
23 section unless the applicant reports a net family income that  
24 exceeds the income eligibility level established under Section  
25 62.101(b).

26 SECTION 5. Section 62.102, Health and Safety Code, is  
27 amended to read as follows:

1           Sec. 62.102. CONTINUOUS COVERAGE. The commission shall  
2 provide that an individual who is determined to be eligible for  
3 coverage under the child health plan remains eligible for those  
4 benefits until the earlier of:

5                   (1) the end of a period, not to exceed 12 months, [~~the~~  
6 ~~six-month period~~] following the date of the eligibility  
7 determination; or

8                   (2) the individual's 19th birthday.

9           SECTION 6. Section 62.105, Health and Safety Code, is  
10 amended to read as follows:

11           Sec. 62.105. COVERAGE FOR QUALIFIED ALIENS. (a) The  
12 commission shall provide coverage under the state Medicaid program  
13 and under the program established under this chapter to a child who  
14 is a qualified alien, as that term is defined by 8 U.S.C. Section  
15 1641(b), if the federal government authorizes the state to provide  
16 that coverage. The commission shall comply with any prerequisite  
17 imposed under the federal law to providing that coverage.

18                   (b) The commission shall verify that the child meets the  
19 requirements of this section by:

20                           (1) accessing the Systematic Alien Verification for  
21 Entitlements Program provided by the United States Citizenship and  
22 Immigration Services Bureau of the United States Department of  
23 Homeland Security;

24                           (2) for a child whose information has not been entered  
25 into the Systematic Alien Verification for Entitlements Program  
26 with the United States Citizenship and Immigration Services Bureau  
27 of the United States Department of Homeland Security, using another

1 procedure used by the commission in determining eligibility for the  
2 medical assistance program under Chapter 32, Human Resources Code,  
3 to verify the status of a child; or

4 (3) if the commission is unable to verify that the  
5 child meets the requirements of this section by using the methods  
6 under Subdivision (1) or (2), using any other procedure allowed by  
7 federal law to verify the status of the child.

8 SECTION 7. Sections 62.154(a) and (d), Health and Safety  
9 Code, are amended to read as follows:

10 (a) To the extent permitted under Title XXI of the Social  
11 Security Act (42 U.S.C. Section 1397aa et seq.), as amended, and any  
12 other applicable law or regulations, the child health plan must  
13 include a waiting period and ~~and~~ ~~the child health plan~~ may include  
14 copayments and other provisions intended to discourage:

15 (1) employers and other persons from electing to  
16 discontinue offering coverage for children under employee or other  
17 group health benefit plans; and

18 (2) individuals with access to adequate health benefit  
19 plan coverage, other than coverage under the child health plan,  
20 from electing not to obtain or to discontinue that coverage for a  
21 child.

22 (d) The waiting period required by Subsection (a) must:

23 (1) extend for a period of 90 days after ~~the~~  
24 ~~first day of the month in~~ the last date on ~~which the applicant~~  
25 was covered under a health benefits plan; and

26 (2) apply to a child who was covered by a health  
27 benefits plan at any time during the 90 days before the date of

1 application for coverage under the child health plan [~~is enrolled~~  
2 ~~under the child health plan, if the date of enrollment is on or~~  
3 ~~before the 15th day of the month, or~~

4           ~~[(2) the first day of the month after which the~~  
5 ~~applicant is enrolled under the child health plan, if the date of~~  
6 ~~enrollment is after the 15th day of the month].~~

7           SECTION 8. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2007.