

By: Naishtat

H.B. No. 740

A BILL TO BE ENTITLED

AN ACT

relating to certain state health care programs for children.

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

SECTION 1. Sections 62.104(a), (c), (d), and (f), Health and Safety Code, are amended to read as follows:

(a) The commission~~[, or the Texas Department of Human Services at the direction of and in consultation with the commission,]~~ shall develop eligibility screening and enrollment procedures for children that comply with the requirements of 42 U.S.C. Section 1397bb, as amended, and any other applicable law or regulations. The procedures shall ensure that Medicaid-eligible children are identified and automatically enrolled in ~~[referred to]~~ the Medicaid program.

(c) The eligibility screening and enrollment procedures shall ensure that children are:

(1) screened simultaneously for eligibility under this chapter and for eligibility for the Medicaid program, using the consolidated application under Section 62.103(b); and

(2) [who appear to be Medicaid-eligible are identified and that their families are assisted in applying for Medicaid coverage.

~~[(d) A child who applies for enrollment in the child health plan, who is denied Medicaid coverage after completion of a Medicaid application under Subsection (c), but who is eligible for~~

~~enrollment in the child health plan, shall be]~~ enrolled in the appropriate program ~~[child health plan]~~ without further application or qualification.

(f) A determination of whether a child is eligible for child health plan coverage under the program and the enrollment of an eligible child with a health plan provider must be completed, and information on the family's available choice of health plan providers must be provided, in a timely manner, as determined by the commission. The commission must require that the determination be made and the information be provided not later than the 30th day after the date a complete application is submitted on behalf of the child, unless the child is enrolled in the ~~[referred for]~~ Medicaid program ~~[application under this section]~~.

SECTION 2. Subchapter C, Chapter 62, Health and Safety Code, is amended by adding Section 62.106 to read as follows:

Sec. 62.106. DETERMINATION OF ELIGIBILITY FOR MEDICAID PROGRAM BEFORE TERMINATION OF CHILD HEALTH PLAN PROGRAM BENEFITS.

(a) If for any reason a child becomes ineligible for the child health plan program, the commission shall, before terminating the child's benefits under the program, determine whether the child is eligible for the Medicaid program, based on the information currently available to the commission. If the commission determines that the child is eligible, the commission shall enroll the child in the Medicaid program without further application or qualification, unless the child's parent objects to enrollment.

(b) The commission shall notify a parent of the child's eligibility for the Medicaid program and automatic enrollment in

1 that program as soon as practicable after eligibility has been
2 determined.

3 SECTION 3. Section 32.025, Human Resources Code, is amended
4 by adding Subsection (d-1) to read as follows:

5 (d-1) The procedures under Subsection (d) shall ensure that
6 children are screened simultaneously for eligibility under this
7 chapter and for eligibility under the child health plan program,
8 and enrolled in the appropriate program without further application
9 or qualification.

10 SECTION 4. Section 32.0262(a), Human Resources Code, is
11 amended to read as follows:

12 (a) If for any reason ~~[The department shall develop~~
13 ~~procedures to ensure that all necessary information regarding]~~ a
14 child becomes ineligible for ~~[who will be denied]~~ continued medical
15 assistance under this chapter, the department shall, before
16 terminating the child's benefits under this chapter, determine
17 whether the child ~~[because of an increase in income, assets, or~~
18 ~~resources but who]~~ is eligible for enrollment in the child health
19 plan under Chapter 62, Health and Safety Code, based on information
20 currently available to the department. If the department
21 determines the child is eligible, the department shall enroll the
22 child in ~~[is promptly transmitted to]~~ the child health plan without
23 further application or qualification, unless the child's parent or
24 caretaker objects to the enrollment ~~[in accordance with the~~
25 ~~standards established under Section 62.104(d), Health and Safety~~
26 ~~Code]~~. The department shall notify the child's parent or caretaker
27 of the child's eligibility for the child health plan program and

1 automatic enrollment in that program as soon as practicable after
2 eligibility has been determined.

3 SECTION 5. Section 62.104(e), Health and Safety Code, is
4 repealed.

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

11 SECTION 7. This Act takes effect September 1, 2007.