

By: Naishtat

H.B. No. 1051

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for and administration of certain health benefits programs.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0631 to read as follows:

Sec. 531.0631. MEDICAID AND CHIP ELIGIBILITY AND ENROLLMENT SYSTEM PERFORMANCE LEVELS. The commission shall ensure that the processing time for applications and eligibility redeterminations for the Medicaid program and the child health plan program meet or exceed the performance levels met in state fiscal year 2004 by ensuring that:

(1) the private and public components, including call centers, of the eligibility and enrollment systems for the Medicaid program and the child health plan program are adequately staffed and trained; and

(2) all computer systems that support the eligibility and enrollment systems are performing properly.

SECTION 2. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.093 and 531.094 to read as follows:

Sec. 531.093. PROVIDER PAYMENT RATES UNDER MEDICAID AND CHIP. (a) For the Medicaid and child health plan programs, the commission shall:

(1) establish provider payment rates that are at or

above the level established during the state fiscal biennium beginning September 1, 2002;

(2) apply annual inflation increases to provider payment rates; and

(3) enact a plan to bring provider payment rates to Medicare levels.

(b) To the extent of a conflict between the requirements of Section 531.021 or any other law and the requirements of this section with respect to the adoption of rates for the Medicaid program, the requirements of this section prevail.

Sec. 531.094. COMMUNITY OUTREACH AND EDUCATION CAMPAIGN FOR HEALTH PLANS FOR CHILDREN. (a) The commission shall conduct a community outreach and education campaign to provide information relating to the availability of health benefits for children under the child health plan and Medicaid programs. The commission shall conduct the campaign in a manner that promotes enrollment in, and minimizes duplication of effort among, all state-administered child health programs.

(b) The community outreach and education campaign must:

(1) educate families about:

(A) available coverage for children;

(B) the importance of keeping their children enrolled; and

(C) how to effectively and appropriately use health care services, including providing families in the child health plan program with clear directions on how to track their total cost-sharing to ensure they are not charged more than their

1 out-of-pocket caps;

2 (2) expand the role of community-based organizations
3 in outreach and education;

4 (3) invite and support partnership by schools,
5 businesses, churches, and other community institutions willing to
6 contribute to the effort to enroll eligible children in health care
7 programs;

8 (4) address the need for special outreach in rural
9 areas and to families with preschool-aged children; and

10 (5) include a statewide marketing program promoting
11 child health programs.

12 (c) The community outreach and education campaign must be at
13 least as extensive as the community outreach and education campaign
14 in effect during the fiscal year beginning September 1, 2002, with a
15 goal of reaching two million adults each year.

16 SECTION 3. Section 62.002(4), Health and Safety Code, is
17 amended to read as follows:

18 (4) "Net ~~[Gross]~~ family income" means the ~~[total]~~
19 amount of income established for a family after reduction for
20 offsets for expenses such as child care and work-related expenses,
21 in accordance with standards applicable under the Medicaid ~~[without~~
22 ~~consideration of any reduction for offsets that may be available to~~
23 ~~the family under any other]~~ program.

24 SECTION 4. Section 62.101, Health and Safety Code, is
25 amended by amending Subsection (b) and adding Subsection (d) to
26 read as follows:

27 (b) The commission shall establish income eligibility

1 levels consistent with Title XXI, Social Security Act (42 U.S.C.
2 Section 1397aa et seq.), as amended, and any other applicable law or
3 regulations, and subject to the availability of appropriated money,
4 so that a child who is younger than 19 years of age and whose net
5 ~~[gross]~~ family income is at or below 200 percent of the federal
6 poverty level is eligible for health benefits coverage under the
7 program. ~~[In addition, the commission may establish eligibility~~
8 ~~standards regarding the amount and types of allowable assets for a~~
9 ~~family whose gross family income is above 150 percent of the federal~~
10 ~~poverty level.]~~

11 (d) As authorized by 42 U.S.C. Section 1397gg, the executive
12 commissioner of the Health and Human Services Commission shall
13 adopt rules providing for the determination and certification of
14 the presumptive eligibility of a child for the child health plan
15 program who applies and meets the basic eligibility requirements
16 for that program. Rules adopted under this subsection may not apply
17 to a child to whom a waiting period applies under Section 62.154.

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

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

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

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

SECTION 6. Section 62.103(d), Health and Safety Code, is amended to read as follows:

(d) The commission may permit application to be made by mail, over the telephone, or through the Internet, using an online application through the Texas Integrated Enrollment Services eligibility determination system.

SECTION 7. Section 62.153, Health and Safety Code, is amended by adding Subsection (e) to read as follows:

(e) If cost-sharing provisions imposed under Subsection (a) include an enrollment fee, the executive commissioner of the Health and Human Services Commission by rule shall establish methods of fee payment that are feasible and convenient for a participant who does not have a bank account. The methods may include:

(1) installment plans;

(2) the ability to make cash payments at local grocery store and retail sites; and

(3) payment by debit or credit card.

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

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

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

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

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

6 (1) extend for a period of 90 days after~~[÷~~
7 ~~[(1)] the last date on [first day of the month in]~~
8 which the applicant was covered under a health benefits plan; and

9 (2) apply only to a child who was covered by a health
10 benefits plan at any time during the 90 days before the date of
11 application for coverage under the child health plan ~~[is enrolled~~
12 ~~under the child health plan, if the date of enrollment is on or~~
13 ~~before the 15th day of the month; or~~

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

17 SECTION 9. Section 32.026, Human Resources Code, is amended
18 by adding Subsection (h) to read as follows:

19 (h) As authorized by 42 U.S.C. Section 1396r-1a, the
20 executive commissioner of the Health and Human Services Commission
21 shall adopt rules providing for the determination and certification
22 of the presumptive eligibility for medical assistance of a child
23 under 19 years of age who applies and meets the basic eligibility
24 requirements for that assistance.

25 SECTION 10. Section 32.0261, Human Resources Code, is
26 amended to read as follows:

27 Sec. 32.0261. CONTINUOUS ELIGIBILITY. The department shall

1 adopt rules in accordance with 42 U.S.C. Section 1396a(e)(12), as
2 amended, to provide for a period of continuous eligibility for a
3 child under 19 years of age who is determined to be eligible for
4 medical assistance under this chapter. The rules shall provide
5 that the child remains eligible for medical assistance, without
6 additional review by the department and regardless of changes in
7 the child's resources or income, until the earlier of:

8 (1) the end of a period, not to exceed 12 months, [~~the~~
9 ~~six-month period~~] following the date on which the child's
10 eligibility was determined; or

11 (2) the child's 19th birthday.

12 SECTION 11. Section 32.064, Human Resources Code, is
13 amended by adding Subsection (e) to read as follows:

14 (e) If cost-sharing provisions imposed under Subsection (a)
15 include an enrollment fee, the executive commissioner of the Health
16 and Human Services Commission by rule shall establish methods of
17 fee payment that are feasible and convenient for a recipient who
18 does not have a bank account. The methods may include:

19 (1) installment plans;

20 (2) the ability to make cash payments at local grocery
21 store and retail sites; and

22 (3) payment by debit or credit card.

23 SECTION 12. The Health and Human Services Commission shall
24 conduct a study to assess possible methods for ensuring that health
25 benefits coverage is available to every child in this state at a
26 cost commensurate with the child's household income. Not later
27 than December 1, 2009, the commission shall submit a report to the

1 legislature detailing the commission's findings and making
2 recommendations based on those findings.

3 SECTION 13. If before implementing any provision of this
4 Act a state agency determines that a waiver or authorization from a
5 federal agency is necessary for implementation of that provision,
6 the agency affected by the provision shall request the waiver or
7 authorization and may delay implementing that provision until the
8 waiver or authorization is granted.

9 SECTION 14. This Act takes effect immediately if it
10 receives a vote of two-thirds of all the members elected to each
11 house, as provided by Section 39, Article III, Texas Constitution.
12 If this Act does not receive the vote necessary for immediate
13 effect, this Act takes effect September 1, 2007.