

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 15, 2007

TO: Honorable David Swinford, Chair, House Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB40 by Paxton (Relating to requiring certain applicants for and recipients of medical assistance to provide proof of citizenship or nationality and of identity.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Human Resource Code to add types of documentary evidence required of those claiming to be U.S. citizens or nationals who apply for Medicaid. The bill lists verification sources for citizenship and identity. The bill would remove the affidavit as acceptable verification of U.S. citizenship for Medicaid recipients and applicants.

There are many types of documentary evidence allowed per federal regulation to prove citizenship for Medicaid application purposes. The federal code 42 CFR 435.407 specifies acceptable documentary evidence, and allows the use of written affidavits in rare circumstances. There must be two affidavits from two U.S. citizens unrelated to the applicant, with personal knowledge of the events supporting a claim of citizenship. Affidavits must be signed under penalty of perjury. The bill would appear to conflict with this federal regulation and it is doubtful that the federal government would grant a waiver. Even if a waiver were secured, very few applicants would be impacted. Therefore, it is estimated the fiscal impact would not be significant.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 529 Health and Human Services Commission

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