

BILL ANALYSIS

Senate Research Center
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S.B. 2031
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Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, when youth who receive health care coverage through Medicaid or CHIP are placed, detained, or committed to a facility, such as the Texas Youth Commission (TYC) or a juvenile detention facility, that facility is responsible for providing health care to the youth and their eligibility for Medicaid or CHIP is terminated.

Juveniles who were previously enrolled in CHIP or Medicaid and who are transitioning out of a juvenile detention facility or TYC often experience a lapse in coverage, resulting in gaps in health care services as they are required to reapply for coverage.

This bill provides that if an individual who is enrolled in child health plan coverage is placed, detained, or committed in a facility or other setting that would otherwise result in the loss of the individual's eligibility for that coverage, the individual's eligibility is suspended during the period of the placement, detention, or commitment in that facility or other setting. This bill also provides that the eligibility of a child for medical assistance that is suspended is automatically reinstated on the date the child is released from the facility or other setting.

As proposed, S.B. 2031 amends current law relating to the eligibility of certain individuals for child health plan coverage or medical assistance on placement, detention, or commitment in and release from certain facilities or other settings.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Health and Human Services Commission is modified in SECTION 3 (Section 32.0261, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 62, Health and Safety Code, by adding Section 62.1013, as follows:

Sec. 62.1013. SUSPENSION AND AUTOMATIC REINSTATEMENT OF ELIGIBILITY FOR CERTAIN INDIVIDUALS. (a) Provides that if an individual who is enrolled in child health plan coverage is placed, detained, or committed under Title 3 (Juvenile Justice Code), Family Code, in a facility or other setting that would otherwise result in the loss of the individual's eligibility for that coverage, the individual's eligibility is suspended during the period of the placement, detention, or commitment in that facility or other setting.

(b) Provides that the eligibility of an individual for child health plan coverage that is suspended as provided by Subsection (a) is automatically reinstated on the date the individual is released from the facility or other setting described by that subsection. Provides that following the reinstatement, the individual remains eligible until the expiration of the period of continuous coverage provided by Section 62.102(a), subject to a review under Section 62.102(b).

SECTION 2. Amends Sections 62.102(a) and (b), Health and Safety Code, as follows:

(a) Requires the Health and Human Services Commission (HHSC), subject to a review under Subsection (b), to provide that an individual who is determined to be eligible for

coverage under the child health plan remains eligible for those benefits until the earlier of the end of a period not to exceed 12 months, beginning the first day of the month following the date of the eligibility determination and excluding any period after that determination during which the individual's eligibility was suspended as provided by Section 62.1013, or the individual's 19th birthday.

(b) Requires HHSC, during the sixth month of coverage following the date of initial enrollment or reenrollment of an individual whose net family income exceeds 185 percent of the federal poverty level, excluding any period during which the individual's eligibility was suspended as provided by Section 62.1013, to review the individual's net family income and authorizes HHSC to use electronic technology if available and appropriate; and continue to provide coverage if the individual's net family income does not exceed the income eligibility limits prescribed by this chapter.

SECTION 3. Amends Section 32.0261, Human Resources Code, to require that the rules adopted under this section by HHSC provide that a child who is determined to be eligible for medical assistance under this chapter remains eligible for medical assistance, without additional review by HHSC and regardless of changes in the child's resources or income, until the earlier of the end of the six-month period following the date on which the child's eligibility was determined, excluding any period during which the child's eligibility was suspended as provided by Section 32.0264, or the child's 19th birthday.

SECTION 4. Amends Subchapter B, Chapter 32, Human Resources Code, by adding Section 32.0264, as follows:

Sec. 32.0264. SUSPENSION AND AUTOMATIC REINSTATEMENT OF ELIGIBILITY FOR CERTAIN CHILDREN. (a) Provides that if a child who is a recipient of medical assistance is placed, detained, or committed under Title 3, Family Code, in a facility or other setting that would otherwise result in the loss of the child's eligibility for that assistance, the child's eligibility is suspended during the period of placement, detention, or commitment in that facility or other setting.

(b) Provides that the eligibility of a child for medical assistance that is suspended as provided by Subsection (a) is automatically reinstated on the date the child is released from the facility or other setting described by that subsection. Provides that following reinstatement, the child remains eligible until the expiration of the period of continuous eligibility provided by Section 32.0261.

SECTION 5. Provides that the changes in law made by this Act apply to an individual who is released from a placement, detention, or commitment under Title 3 (Juvenile Justice Code), Family Code, on or after the effective date of this Act, regardless of the date the individual was placed, detained, or committed under that title; or determined eligible for child health plan coverage under Chapter 62 (Child Health Plan for Certain Low-income Children), Health and Safety Code, or medical assistance under Chapter 32 (Medical Assistance Program), Human Resources Code, as applicable.

SECTION 6. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such waivers or authorizations are granted.

SECTION 7. Effective date: September 1, 2009.