

By: Naishtat, et al.

H.B. No. 1630

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain individuals for child health plan coverage or medical assistance on release from certain facilities or other settings.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02418 to read as follows:

Sec. 531.02418. MEDICAID AND CHILD HEALTH PLAN PROGRAM ELIGIBILITY DETERMINATIONS FOR CERTAIN INDIVIDUALS. (a) The commission shall enter into a memorandum of understanding with the Texas Youth Commission to ensure that each individual who is committed under Title 3, Family Code, is assessed by the commission for eligibility for the medical assistance program under Chapter 32, Human Resources Code, and the child health plan program before that individual's release from commitment.

(b) The commission shall enter into a memorandum of understanding with the Texas Juvenile Probation Commission to ensure that each individual who is placed or detained under Title 3, Family Code, is assessed by the commission for eligibility for the medical assistance program under Chapter 32, Human Resources Code, and the child health plan program before the individual's release from placement or detention. Local juvenile probation departments are subject to the requirements of the memorandum.

(c) Each memorandum of understanding entered into as

1 required by this section must specify:

2 (1) the information that must be provided to the  
3 commission;

4 (2) the process by which and time frame within which  
5 the information must be provided; and

6 (3) the roles and responsibilities of all parties to  
7 the memorandum, which must include a requirement that the  
8 commission pursue the actions needed to complete eligibility  
9 applications as necessary.

10 (d) Each memorandum of understanding required by Subsection  
11 (a) or (b) must be tailored to achieve the goal of ensuring that an  
12 individual described by Subsection (a) or (b) who is determined  
13 eligible by the commission for coverage under the medical  
14 assistance program under Chapter 32, Human Resources Code, or the  
15 child health plan program, is enrolled in the program for which the  
16 individual is eligible and may begin receiving services through the  
17 program as soon as possible after the eligibility determination is  
18 made and, if possible, to achieve the goal of ensuring that the  
19 individual may begin receiving those services on the date of the  
20 individual's release from placement, detention, or commitment.

21 (e) The executive commissioner may adopt rules as necessary  
22 to implement this section.

23 SECTION 2. (a) The Health and Human Services Commission and  
24 the Texas Youth Commission shall enter into the memorandum of  
25 understanding required by Section 531.02418(a), Government Code,  
26 as added by this Act, not later than October 1, 2009.

27 (b) The Health and Human Services Commission and the Texas

1 Juvenile Probation Commission shall enter into the memorandum of  
2 understanding required by Section 531.02418(b), Government Code,  
3 as added by this Act, not later than February 1, 2010.

4       SECTION 3. If federal legislation is enacted and becomes  
5 law, or federal regulations, rules, or other administrative  
6 guidelines are adopted, that authorize this state to implement  
7 streamlined procedures applicable to assessments of individuals  
8 for the medical assistance program under Chapter 32, Human  
9 Resources Code, or the child health plan program under Chapter 62,  
10 Health and Safety Code, as described by Section 531.02418,  
11 Government Code, as added by this Act, the Health and Human Services  
12 Commission shall implement those procedures as soon as practicable.

13       SECTION 4. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2009.