

By: Naishtat

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 placement, detention, or commitment in and release from certain facilities or other settings.

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

SECTION 1. Subchapter C, Chapter 62, Health and Safety Code, is amended by adding Section 62.1013 to read as follows:

Sec. 62.1013. SUSPENSION AND AUTOMATIC REINSTATEMENT OF ELIGIBILITY FOR CERTAIN INDIVIDUALS. (a) If an individual who is enrolled in child health plan coverage 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 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) 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. 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. Sections 62.102(a) and (b), Health and Safety

1 Code, are amended to read as follows:

2 (a) Subject to a review under Subsection (b), the commission  
3 shall provide that an individual who is determined to be eligible  
4 for coverage under the child health plan remains eligible for those  
5 benefits until the earlier of:

6 (1) the end of a period not to exceed 12 months,  
7 beginning the first day of the month following the date of the  
8 eligibility determination and excluding any period after that  
9 determination during which the individual's eligibility was  
10 suspended as provided by Section 62.1013; or

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

12 (b) During the sixth month of coverage following the date of  
13 initial enrollment or reenrollment of an individual whose net  
14 family income exceeds 185 percent of the federal poverty level,  
15 excluding any period during which the individual's eligibility was  
16 suspended as provided by Section 62.1013, the commission shall:

17 (1) review the individual's net family income and may  
18 use electronic technology if available and appropriate; and

19 (2) continue to provide coverage if the individual's  
20 net family income does not exceed the income eligibility limits  
21 prescribed by this chapter.

22 SECTION 3. Section 32.0261, Human Resources Code, is  
23 amended to read as follows:

24 Sec. 32.0261. CONTINUOUS ELIGIBILITY. The department shall  
25 adopt rules in accordance with 42 U.S.C. Section 1396a(e)(12), as  
26 amended, to provide for a period of continuous eligibility for a  
27 child under 19 years of age who is determined to be eligible for

1 medical assistance under this chapter. The rules shall provide  
2 that the child remains eligible for medical assistance, without  
3 additional review by the department and regardless of changes in  
4 the child's resources or income, until the earlier of:

5 (1) the end of the six-month period following the date  
6 on which the child's eligibility was determined, excluding any  
7 period during which the child's eligibility was suspended as  
8 provided by Section 32.0264; or

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

10 SECTION 4. Subchapter B, Chapter 32, Human Resources Code,  
11 is amended by adding Section 32.0264 to read as follows:

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

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

26 SECTION 5. The changes in law made by this Act apply to an  
27 individual who is released from a placement, detention, or

1 commitment under Title 3, Family Code, on or after the effective  
2 date of this Act, regardless of the date the individual was:

3 (1) placed, detained, or committed under that title;  
4 or

5 (2) determined eligible for child health plan coverage  
6 under Chapter 62, Health and Safety Code, or medical assistance  
7 under Chapter 32, Human Resources Code, as applicable.

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

14 SECTION 7. This Act takes effect September 1, 2009.