

1-1 By: Naishtat, et al. (Senate Sponsor - Watson) H.B. No. 1630  
1-2 (In the Senate - Received from the House May 5, 2009;  
1-3 May 6, 2009, read first time and referred to Committee on Health  
1-4 and Human Services; May 13, 2009, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; May 13, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the eligibility of certain individuals for child health  
1-9 plan coverage or medical assistance on release from certain  
1-10 facilities or other settings.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter B, Chapter 531, Government Code, is  
1-13 amended by adding Section 531.02418 to read as follows:

1-14 Sec. 531.02418. MEDICAID AND CHILD HEALTH PLAN PROGRAM  
1-15 ELIGIBILITY DETERMINATIONS FOR CERTAIN INDIVIDUALS. (a) The  
1-16 commission shall enter into a memorandum of understanding with the  
1-17 Texas Youth Commission to ensure that each individual who is  
1-18 committed under Title 3, Family Code, is assessed by the commission  
1-19 for eligibility for the medical assistance program under Chapter  
1-20 32, Human Resources Code, and the child health plan program before  
1-21 that individual's release from commitment.

1-22 (b) The commission shall enter into a memorandum of  
1-23 understanding with the Texas Juvenile Probation Commission to  
1-24 ensure that each individual who is placed or detained under Title 3,  
1-25 Family Code, is assessed by the commission for eligibility for the  
1-26 medical assistance program under Chapter 32, Human Resources Code,  
1-27 and the child health plan program before the individual's release  
1-28 from placement or detention. Local juvenile probation departments  
1-29 are subject to the requirements of the memorandum.

1-30 (c) Each memorandum of understanding entered into as  
1-31 required by this section must specify:

1-32 (1) the information that must be provided to the  
1-33 commission;

1-34 (2) the process by which and time frame within which  
1-35 the information must be provided; and

1-36 (3) the roles and responsibilities of all parties to  
1-37 the memorandum, which must include a requirement that the  
1-38 commission pursue the actions needed to complete eligibility  
1-39 applications as necessary.

1-40 (d) Each memorandum of understanding required by Subsection  
1-41 (a) or (b) must be tailored to achieve the goal of ensuring that an  
1-42 individual described by Subsection (a) or (b) who is determined  
1-43 eligible by the commission for coverage under the medical  
1-44 assistance program under Chapter 32, Human Resources Code, or the  
1-45 child health plan program, is enrolled in the program for which the  
1-46 individual is eligible and may begin receiving services through the  
1-47 program as soon as possible after the eligibility determination is  
1-48 made and, if possible, to achieve the goal of ensuring that the  
1-49 individual may begin receiving those services on the date of the  
1-50 individual's release from placement, detention, or commitment.

1-51 (e) The executive commissioner may adopt rules as necessary  
1-52 to implement this section.

1-53 SECTION 2. (a) The Health and Human Services Commission and  
1-54 the Texas Youth Commission shall enter into the memorandum of  
1-55 understanding required by Section 531.02418(a), Government Code,  
1-56 as added by this Act, not later than October 1, 2009.

1-57 (b) The Health and Human Services Commission and the Texas  
1-58 Juvenile Probation Commission shall enter into the memorandum of  
1-59 understanding required by Section 531.02418(b), Government Code,  
1-60 as added by this Act, not later than February 1, 2010.

1-61 SECTION 3. If federal legislation is enacted and becomes  
1-62 law, or federal regulations, rules, or other administrative  
1-63 guidelines are adopted, that authorize this state to implement  
1-64 streamlined procedures applicable to assessments of individuals

2-1 for the medical assistance program under Chapter 32, Human  
2-2 Resources Code, or the child health plan program under Chapter 62,  
2-3 Health and Safety Code, as described by Section 531.02418,  
2-4 Government Code, as added by this Act, the Health and Human Services  
2-5 Commission shall implement those procedures as soon as practicable.  
2-6 SECTION 4. This Act takes effect immediately if it receives  
2-7 a vote of two-thirds of all the members elected to each house, as  
2-8 provided by Section 39, Article III, Texas Constitution. If this  
2-9 Act does not receive the vote necessary for immediate effect, this  
2-10 Act takes effect September 1, 2009.

2-11

\* \* \* \* \*