

By: Rios Ybarra

H.B. No. 4320

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the integration of the application and eligibility
3 determination processes for the child health plan and children's
4 Medicaid programs.

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

6 SECTION 1. The legislature finds that it is in the best
7 interests of this state to integrate the application and
8 eligibility processes for the child health plan and children's
9 Medicaid programs in a single application and eligibility
10 determination system operated by trained and knowledgeable state
11 employees.

12 SECTION 2. Sections 531.063(b) and (e), Government Code,
13 are amended to read as follows:

14 (b) Except as otherwise provided by this subsection, the
15 [The] commission shall contract with at least one but not more than
16 four private entities for the operation of call centers required by
17 this section unless the commission determines that contracting
18 would not be cost-effective. The commission shall operate any call
19 center that processes applications for or determines the
20 eligibility of a child for the child health plan program under
21 Chapter 62, Health and Safety Code, or the medical assistance
22 program under Chapter 32, Human Resources Code, using the system
23 required by Section 531.192 and using only state employees.

24 (e) The commission shall develop consumer service and

1 performance standards for the operation of each call center
2 required by this section, including for each call center required
3 under Subsection (b) to be operated only by state employees. The
4 standards shall address a call center's:

5 (1) ability to serve its consumers in a timely manner,
6 including consideration of the consumers' ability to access the
7 call center, whether the call center has toll-free telephone
8 access, the average amount of time a consumer spends on hold, the
9 frequency of call transfers, whether a consumer is able to
10 communicate with a live person at the call center, and whether the
11 call center makes mail correspondence available;

12 (2) staff, including employee courtesy, friendliness,
13 training, and knowledge about the programs listed under Section
14 531.008(c); and

15 (3) complaint handling procedures, including the
16 level of difficulty involved in filing a complaint and whether the
17 call center's complaint responses are timely.

18 SECTION 3. Section 531.191(d), Government Code, is amended
19 to read as follows:

20 (d) Except as provided by Section 531.063(b), on ~~On~~
21 receipt by the state of any necessary federal approval and subject
22 to the approval of the governor and the Legislative Budget Board,
23 the commission may contract for implementation of all or part of the
24 plan required by Subsection (a) if the commission determines that
25 contracting may advance the objectives of Subsections (a) and (b)
26 and meets the criteria set out in the cost-benefit analysis
27 described in this subsection. Before the awarding of a contract,

1 the commission shall provide a detailed cost-benefit analysis to
2 the governor and the Legislative Budget Board. The analysis must
3 demonstrate the cost-effectiveness of the plan, mechanisms for
4 monitoring performance under the plan, and specific improvements to
5 the service delivery system and client access made by the plan. The
6 commission shall make the analysis available to the public. Within
7 10 days after the release of a request for bids, proposals, offers,
8 or other applicable expressions of interest relating to the
9 development or implementation of the plan required by Subsection
10 (a), the commission shall hold a public hearing and receive public
11 comment on the request.

12 SECTION 4. Subchapter F, Chapter 531, Government Code, is
13 amended by adding Section 531.192 to read as follows:

14 Sec. 531.192. INTEGRATED INTAKE SYSTEM FOR CERTAIN
15 PROGRAMS. (a) Notwithstanding any other law, the commission shall
16 implement a single, integrated intake system for the child health
17 plan program under Chapter 62, Health and Safety Code, and the
18 children's Medicaid program under Chapter 32, Human Resources Code,
19 using only trained state employees who are knowledgeable with
20 respect to the eligibility requirements of those programs. For
21 each application submitted for one of those programs, the system
22 must allow a single state employee to:

- 23 (1) accept the application;
24 (2) conduct any necessary eligibility interview;
25 (3) determine whether the applicant is eligible for
26 the child health plan program or the children's Medicaid program;
27 and

1 (4) if the applicant is eligible for either program,
2 enroll the applicant in the appropriate program.

3 (b) Notwithstanding any other law, the commission may not
4 contract with a private entity to perform any function specified by
5 Subsection (a).

6 SECTION 5. The Health and Human Services Commission shall
7 take any action allowed under state law that is necessary to
8 terminate or modify a contract prohibited by Section 531.192(b),
9 Government Code, as added by this Act, to ensure compliance with
10 that section and Section 531.063(b), Government Code, as amended by
11 this Act. If the commission is unable to terminate or modify a
12 contract in a manner that is allowed under state law as required by
13 this section, the commission may continue the contract, but may not
14 renew the contract.

15 SECTION 6. Not later than the 30th day after the effective
16 date of this Act, the Health and Human Services Commission shall
17 submit a report to the Legislative Budget Board and the presiding
18 officers of the Senate Health and Human Services Committee and the
19 House Human Services Committee specifying the number of additional
20 full-time equivalent positions the commission needs to comply with
21 the requirements of Section 531.063(b), Government Code, as amended
22 by this Act, and Section 531.192, Government Code, as added by this
23 Act.

24 SECTION 7. If before implementing any provision of this Act
25 a state agency determines that a waiver or authorization from a
26 federal agency is necessary for implementation of that provision,
27 the agency affected by the provision shall request the waiver or

1 authorization and may delay implementing that provision until the
2 waiver or authorization is granted.

3 SECTION 8. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2009.