

By: Walle

H.B. No. 503

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to eligibility for children's Medicaid and the child  
3 health plan program.

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

5 SECTION 1. Section 62.101(b), Health and Safety Code, is  
6 amended to read as follows:

7 (b) The commission shall establish income eligibility  
8 levels consistent with Title XXI, Social Security Act (42 U.S.C.  
9 Section 1397aa et seq.), as amended, and any other applicable law or  
10 regulations, and subject to the availability of appropriated money,  
11 so that a child who is younger than 19 years of age and whose net  
12 family income is at or below 200 percent of the federal poverty  
13 level is eligible for health benefits coverage under the program.  
14 ~~[In addition, the commission may establish eligibility standards~~  
15 ~~regarding the amount and types of allowable assets for a family~~  
16 ~~whose net family income is above 150 percent of the federal poverty~~  
17 ~~level.]~~

18 SECTION 2. Section 32.026(d), Human Resources Code, is  
19 amended to read as follows:

20 (d) In adopting rules under this section, the department  
21 shall ensure, to the extent allowed by federal law, that  
22 documentation and verification procedures used in determining and  
23 certifying the eligibility and need for medical assistance of a  
24 child under 19 years of age~~[, including the documentation and~~

1 ~~verification procedures used to evaluate the assets and resources~~  
2 ~~of the child, the child's parents, or the child's other caretaker~~  
3 ~~for that purpose,~~] are the same as the documentation and  
4 verification procedures used to determine and certify a child's  
5 eligibility for coverage under Chapter 62, Health and Safety Code,  
6 except that the documentation and verification procedures adopted  
7 in accordance with this subsection may not be more stringent than  
8 the documentation and verification procedures existing on January  
9 1, 2001, for determination and certification of a child's  
10 eligibility for coverage under Chapter 62, Health and Safety Code.

11 SECTION 3. Section 32.0262(a), Human Resources Code, is  
12 amended to read as follows:

13 (a) The department shall develop procedures to ensure that  
14 all necessary information regarding a child who will be denied  
15 continued medical assistance under this chapter because of an  
16 increase in income [~~, assets, or resources~~] but who is eligible for  
17 enrollment in the child health plan under Chapter 62, Health and  
18 Safety Code, is promptly transmitted to the child health plan in  
19 accordance with the standards established under Section 62.104(d),  
20 Health and Safety Code.

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

23 Sec. 32.0264. ELIGIBILITY OF CHILDREN. In determining and  
24 certifying a child's eligibility for medical assistance, the  
25 department, to the maximum extent allowed by federal law, shall  
26 implement 42 U.S.C. Section 1396a(e)(14)(C) and may not apply any  
27 assets or resources test, notwithstanding any other law.

1           SECTION 5. Section 62.101(b-1), Health and Safety Code, is  
2 repealed.

3           SECTION 6. Section 62.101, Health and Safety Code, as  
4 amended by this Act, applies to a determination of eligibility of a  
5 person for coverage under the child health plan under Chapter 62,  
6 Health and Safety Code, made on or after the effective date of this  
7 Act, regardless of the date the person applied for that coverage.

8           SECTION 7. Sections 32.026 and 32.0262, Human Resources  
9 Code, as amended by this Act, and Section 32.0264, Human Resources  
10 Code, as added by this Act, apply to an initial determination or  
11 redetermination of eligibility of a person for medical assistance  
12 under Chapter 32, Human Resources Code, made on or after the  
13 effective date of this Act, regardless of the date the person  
14 applied for that assistance.

15           SECTION 8. If before implementing any provision of this Act  
16 a state agency determines that a waiver or authorization from a  
17 federal agency is necessary for implementation of that provision,  
18 the agency affected by the provision shall request the waiver or  
19 authorization and may delay implementing that provision until the  
20 waiver or authorization is granted.

21           SECTION 9. This Act takes effect September 1, 2011.