

By: Walle

H.B. No. 1738

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the eligibility of certain individuals for medical
3 assistance on confinement in, placement in, detention in, or
4 commitment to and release from certain facilities and other
5 settings.

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

7 SECTION 1. Section 32.0261, Human Resources Code, is
8 amended to read as follows:

9 Sec. 32.0261. CONTINUOUS ELIGIBILITY. The department shall
10 adopt rules in accordance with 42 U.S.C. Section 1396a(e)(12), as
11 amended, to provide for a period of continuous eligibility for a
12 child under 19 years of age who is determined to be eligible for
13 medical assistance under this chapter. The rules shall provide
14 that the child remains eligible for medical assistance, without
15 additional review by the department and regardless of changes in
16 the child's resources or income, until the earlier of:

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

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

22 SECTION 2. Subchapter B, Chapter 32, Human Resources Code,
23 is amended by adding Section 32.0264 to read as follows:

24 Sec. 32.0264. SUSPENSION AND AUTOMATIC REINSTATEMENT OF

1 ELIGIBILITY FOR INDIVIDUALS CONFINED IN CERTAIN FACILITIES AND
2 OTHER SETTINGS. (a) An individual's eligibility for medical
3 assistance is suspended during the period the individual is:

4 (1) confined in a correctional facility, as defined by
5 Section 1.07, Penal Code; or

6 (2) placed, detained, or committed under Title 3,
7 Family Code, in a facility or other setting that would otherwise
8 result in the loss of the individual's eligibility for that
9 assistance.

10 (b) The eligibility of an individual for medical assistance
11 that is suspended as provided by Subsection (a) is automatically
12 reinstated on the date the individual is released from the facility
13 or other setting described by that subsection. Following the
14 reinstatement, the individual remains eligible until the
15 expiration of the period of months for which the individual was
16 certified as eligible, excluding the period during which the
17 individual's eligibility was suspended.

18 SECTION 3. The changes in law made by this Act apply to an
19 individual who is released from a facility or other setting
20 described by Section 32.0264, Human Resources Code, as added by
21 this Act, on or after the effective date of this Act, regardless of
22 the date the individual was:

23 (1) confined in, placed in, detained in, or committed
24 to a facility or other setting described by Section 32.0264, Human
25 Resources Code, as added by this Act; or

26 (2) determined eligible for medical assistance under
27 Chapter 32, Human Resources Code.

1 SECTION 4. If before implementing any provision of this Act
2 a state agency determines that a waiver or authorization from a
3 federal agency is necessary for implementation of that provision,
4 the agency affected by the provision shall request the waiver or
5 authorization and may delay implementing that provision until the
6 waiver or authorization is granted.

7 SECTION 5. This Act takes effect September 1, 2011.