

By: Zaffirini

S.B. No. 39

A BILL TO BE ENTITLED

AN ACT

relating to improving application and eligibility determination processes and efficiencies for certain benefits programs.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0992 to read as follows:

Sec. 531.0992. COMMUNITY OUTREACH FOR BENEFITS PROGRAMS.

(a) In this section, "benefits program" includes:

(1) the child health plan program;

(2) the financial assistance program under Chapter 31, Human Resources Code;

(3) the medical assistance program under Chapter 32, Human Resources Code, including long-term care services provided under the program; and

(4) the food stamp program under Chapter 33, Human Resources Code.

(b) The commission shall improve the effectiveness of community outreach efforts with respect to benefits programs. To improve that effectiveness, the commission shall:

(1) increase the capacity of existing outreach efforts implemented through community-based organizations by providing those organizations with adequate resources to:

(A) educate the public about benefits programs;

(B) provide assistance to the public in

1 completing applications for eligibility or recertification of
2 eligibility and obtaining required documentation for applications;
3 and

4 (C) assist applicants in resolving problems
5 encountered during the eligibility determination process; and

6 (2) establish a partnership with stakeholders who will
7 provide outreach and application assistance by:

8 (A) fostering the exchange of information
9 regarding, and promoting, best practices for obtaining health
10 benefits coverage for children;

11 (B) assisting the commission in designing and
12 implementing processes to reduce procedural denials under Section
13 531.474; and

14 (C) disseminating successful outreach models
15 across this state under which entities such as hospitals, school
16 districts, and local businesses partner to identify children
17 without health benefits coverage.

18 (c) The partnership established under Subsection (b)(2)
19 must include entities that contract with the commission to perform
20 child health plan and medical assistance program eligibility
21 determination and enrollment functions, community-based
22 organizations that contract with the commission, health benefit
23 plan providers, Texas Health Steps program contractors, health care
24 providers, consumer advocates, and other interested stakeholders.

25 (d) The commission may also improve the effectiveness of
26 community outreach efforts with respect to benefits programs by
27 contracting with one or more persons to provide outreach and

1 application assistance for the programs. The commission shall
2 require each potential contractor under this subsection to indicate
3 in writing the person's interest before submitting a proposal for a
4 contract. If more than one person from a geographic area determined
5 by the commission submits a letter of interest, the commission
6 shall encourage the persons from that area to collaborate on a
7 proposal for a contract.

8 (e) To the extent practicable, the commission shall give
9 preference in awarding contracts under Subsection (d) to proposals
10 submitted by collaborations that include multiple entities with
11 experience in serving a variety of populations, including
12 populations that more commonly enroll in or receive benefits under
13 benefits programs.

14 SECTION 2. Chapter 531, Government Code, is amended by
15 adding Subchapter M-1 to read as follows:

16 SUBCHAPTER M-1. ELIGIBILITY DETERMINATION STREAMLINING
17 AND IMPROVEMENT

18 Sec. 531.471. DEFINITIONS. In this subchapter:

19 (1) "Benefits program" includes:

20 (A) the child health plan program;

21 (B) the financial assistance program under
22 Chapter 31, Human Resources Code;

23 (C) the medical assistance program under Chapter
24 32, Human Resources Code, including long-term care services
25 provided under the program; and

26 (D) the food stamp program under Chapter 33,
27 Human Resources Code.

1 (2) "SAVERR" means the System of Application,
2 Verification, Eligibility, Referral, and Reporting.

3 (3) "TIERS" means the Texas Integrated Eligibility
4 Redesign System.

5 Sec. 531.472. APPLICATION PROCESSING STANDARDS AND
6 PROCEDURES. (a) The executive commissioner by rule shall adopt for
7 benefits programs:

8 (1) a methodology for establishing minimum levels of
9 eligibility determination staff, qualifications for that staff,
10 and the maximum caseload per staff person, that will ensure that:

11 (A) benefits program eligibility determinations
12 are made within applicable processing time requirements
13 established by state and federal law and are accurately made; and

14 (B) case appeals and enrollee recipient
15 information changes are timely processed; and

16 (2) in addition to streamlined administrative
17 processes implemented under Section 531.02411, eligibility
18 determination procedures that enhance efficiencies and eliminate
19 unnecessary administrative requirements in making those
20 determinations.

21 (b) In adopting the methodology and procedures required by
22 Subsection (a), the executive commissioner must ensure that it is
23 feasible, under both SAVERR and TIERS, evaluated separately, to
24 achieve a goal of processing at least 95 percent of the applications
25 and eligibility recertifications for benefits programs within the
26 applicable processing time requirements established by state and
27 federal law.

1 (c) The methodology for establishing staffing levels and
2 staff qualifications and maximum caseloads adopted under
3 Subsection (a) must apply with respect to all eligibility
4 determination staff persons, regardless of whether those persons
5 are state employees, contractors, or contractors' employees.

6 Sec. 531.473. CORRECTIVE ACTION PLAN. (a) The executive
7 commissioner shall develop and implement a corrective action plan
8 for application and eligibility recertification determination
9 processes for benefits programs if, for three consecutive months:

10 (1) less than 90 percent of the applications or
11 eligibility recertifications for benefits programs are accurately
12 processed through SAVERR within the applicable processing time
13 requirements established by state and federal law; or

14 (2) less than 90 percent of the applications or
15 eligibility recertifications for benefits programs are accurately
16 processed through TIERS within the applicable processing time
17 requirements established by state and federal law.

18 (b) A corrective action plan:

19 (1) must require the implementation of changes
20 specifically designed to target the processing time or accuracy
21 factors that required the implementation of the plan, which may
22 include implementing changes with respect to contractors or changes
23 to address TIERS defects or staff training; and

24 (2) may authorize the commission to take necessary
25 actions to hire additional eligibility determination staff,
26 including requesting that the Legislative Budget Board take action
27 as provided by Chapter 317 to make money available for that purpose.

1 Sec. 531.474. REDUCTION OF PROCEDURAL DENIALS. (a) In this
2 section, "procedural denial" includes:

3 (1) a denial of eligibility solely because information
4 is missing from an application; and

5 (2) an automatic denial of eligibility because an
6 enrollee or recipient, the parent or legal guardian of an enrollee
7 or recipient, or an eligibility determination staff person or
8 contractor fails to take necessary actions for recertification of
9 eligibility.

10 (b) In consultation with the partnership with stakeholders
11 established under Section 531.0992, the executive commissioner
12 shall adopt, and the commission shall implement, processes designed
13 to reduce to the lowest practicable level the incidence of
14 procedural denials of eligibility for benefits programs.

15 (c) Processes adopted under Subsection (b) may include:

16 (1) providing specific instructions to applicants,
17 enrollees, and recipients, or their parents or legal guardians,
18 regarding acceptable documentation of income for purposes of an
19 eligibility determination, including instructions for documenting
20 income from part-time employment, contract employment, and income
21 paid in cash or by personal check;

22 (2) contacting by telephone enrollees and recipients,
23 or the parents and legal guardians of enrollees and recipients, who
24 do not complete required forms for recertification of eligibility;
25 and

26 (3) allowing an applicant, enrollee, or recipient, or
27 the parent or legal guardian of an applicant, enrollee, or

1 recipient, a period to provide information that is missing from an
2 application for an initial determination or recertification of
3 eligibility and the lack of which would otherwise cause a
4 procedural denial, instead of requiring the person to submit a new
5 application.

6 (d) If the commission implements a telephone contact
7 process as described by Subsection (c)(2), the contacts may be made
8 by commission employees or by entities that contract with the
9 commission.

10 (e) The commission shall specify the period during which
11 missing information described by Subsection (c)(3) may be provided
12 to avoid a procedural denial. The period may not be less than 10
13 business days after the date an applicant, enrollee, or recipient,
14 or the parent or legal guardian of the applicant, enrollee, or
15 recipient, is notified that the information is missing.

16 Sec. 531.475. CALL RESOLUTION STANDARDS. (a) The
17 executive commissioner by rule shall adopt:

18 (1) telephone call resolution standards and processes
19 for each call center established under Section 531.063, including a
20 call center operated by a contractor, to increase the percentage of
21 telephone calls regarding questions, issues, or complaints
22 received at call centers that are successfully resolved; and

23 (2) a process for receiving and resolving issues and
24 complaints from a person who applies for an initial determination
25 or recertification of eligibility for a benefits program,
26 regardless of whether the person applied through a call center, a
27 local eligibility determination office, or mail correspondence.

1 (b) Standards adopted under Subsection (a)(1) must specify
2 the criteria by which the resolution of a telephone call received at
3 a call center will be evaluated. The criteria may include hold
4 times and call abandonment rates, but must include additional
5 measures the executive commissioner determines appropriate.

6 (c) To be considered for a contract to operate a call center
7 under Section 531.063, a person must include in the proposal for the
8 contract a specific description of the means by which the person
9 will ensure compliance with the standards adopted under Subsection
10 (a)(1) if awarded the contract. Each contract entered into by the
11 commission and a person to operate a call center must include terms
12 regarding the means by which the contractor will ensure that
13 compliance.

14 SECTION 3. Effective September 1, 2011, Section 32.0261,
15 Human Resources Code, is amended to read as follows:

16 Sec. 32.0261. CONTINUOUS ELIGIBILITY. The department
17 shall adopt rules in accordance with 42 U.S.C. Section
18 1396a(e)(12), as amended, to provide for a period of continuous
19 eligibility for a child under 19 years of age who is determined to
20 be eligible for medical assistance under this chapter. The rules
21 shall provide that the child remains eligible for medical
22 assistance, without additional review by the department and
23 regardless of changes in the child's resources or income, until the
24 earlier of:

25 (1) the first anniversary of [~~end of the six-month~~
26 ~~period following~~] the date on which the child's eligibility was
27 determined; or

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

2 SECTION 4. Section 531.475(c), Government Code, as added by
3 this Act, applies to a proposal for a contract for the operation of
4 a call center submitted, and a contract for the operation of a call
5 center entered into or renewed, on or after September 1, 2011. A
6 proposal for a contract submitted, or a contract entered into or
7 renewed, before that date is governed by the law in effect on the
8 date the proposal was submitted or the contract was entered into or
9 renewed, and the former law is continued in effect for that purpose.

10 SECTION 5. If before implementing any provision of this Act
11 a state agency determines that a waiver or authorization from a
12 federal agency is necessary for implementation of that provision,
13 the agency affected by the provision shall request the waiver or
14 authorization and may delay implementing that provision until the
15 waiver or authorization is granted.

16 SECTION 6. Except as otherwise provided by this Act, this
17 Act takes effect immediately if it receives a vote of two-thirds of
18 all the members elected to each house, as provided by Section 39,
19 Article III, Texas Constitution. If this Act does not receive the
20 vote necessary for immediate effect, this Act takes effect
21 September 1, 2011.