

By: Ellis

S.B. No. 1259

A BILL TO BE ENTITLED

1 AN ACT  
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.