

By: Zaffirini

S.B. No. 1446

A BILL TO BE ENTITLED

AN ACT

relating to modifications of eligibility criteria, processes, and systems used in certain state benefits programs designed to improve efficiency.

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

SECTION 1. Subchapter F, Chapter 531, Government Code, is amended by adding Section 531.192 to read as follows:

Sec. 531.192. ELIGIBILITY SYSTEM ACCOMMODATION OF CHANGES TO BENEFITS PROGRAMS AND HEALTH BENEFITS COVERAGE OPTIONS. (a) In this section, "eligibility system" means the following information technology and data processing systems used in the delivery of health and human services benefits programs, and any modifications made to the systems under Subchapter M before the expiration of that subchapter:

(1) the Texas Integrated Eligibility Redesign System (TIERS);

(2) the System of Application, Verification, Eligibility, Referral, and Reporting (SAVERR);

(3) integration processes and practices that facilitate interactions between the systems described by Subdivisions (1) and (2) and allow for the exchange of information between those systems; and

(4) delivery processes and practices that directly leverage the systems described by Subdivisions (1) and (2) and

1 involve interactions with applicants for and recipients of health
2 and human services program benefits.

3 (b) The commission may make modifications to the
4 eligibility system that the commission considers necessary to
5 support the following goals:

6 (1) improve the eligibility system's efficiency;

7 (2) control costs related to eligibility
8 determinations, including through modifications designed to reduce
9 future eligibility system staffing needs;

10 (3) accommodate projected caseload growth;

11 (4) prepare for implementation of the Patient
12 Protection and Affordable Care Act (Pub. L. No. 111-148) as amended
13 by the Health Care and Education Reconciliation Act of 2010 (Pub. L.
14 No. 111-152); and

15 (5) ensure that the eligibility system provides
16 seamless transitions with respect to eligibility determinations
17 and enrollments among:

18 (A) the medical assistance program;

19 (B) the child health plan program; and

20 (C) any health insurance exchange created to
21 facilitate the purchase of individual and small group health
22 coverage and the enrollment of eligible individuals in qualified
23 health plans.

24 (c) For purposes of supporting the goal of improving the
25 efficiency of the eligibility system specified by Subsection
26 (b)(1), the commission shall consider implementing additional
27 options for remotely submitting a benefits program application and

1 reducing the number of contacts between an applicant and an
2 eligibility determination caseworker that are required to process
3 the application.

4 SECTION 2. Subchapter B, Chapter 31, Human Resources Code,
5 is amended by adding Section 31.0321 to read as follows:

6 Sec. 31.0321. STANDARDIZATION OF ELIGIBILITY CRITERIA AND
7 PROCESSES ACROSS BENEFITS PROGRAMS. (a) In this section, "medical
8 assistance program" means the medical assistance program operated
9 under Chapter 32.

10 (b) To the extent permitted by federal law and
11 notwithstanding Section 31.032 or any other law, on or before
12 January 1, 2014, the executive commissioner of the Health and Human
13 Services Commission by rule may adopt or modify eligibility
14 criteria and processes applicable to the financial assistance
15 program as necessary to ensure that the criteria and processes will
16 be consistent with the criteria and processes applicable to the
17 medical assistance program required by:

18 (1) the Patient Protection and Affordable Care Act
19 (Pub. L. No. 111-148) as amended by the Health Care and Education
20 Reconciliation Act of 2010 (Pub. L. No. 111-152); and

21 (2) federal regulations adopted under those acts.

22 (c) Eligibility criteria and processes adopted under
23 Subsection (b), or modifications to eligibility criteria and
24 processes made under that subsection, for purposes of determining
25 eligibility for the financial assistance program may include to the
26 extent permitted by federal law:

27 (1) eliminating assets and resources tests as those

1 tests are eliminated by 42 U.S.C. Section 1396a(e)(14)(C) and
2 federal regulations for purposes of determining eligibility for the
3 medical assistance program;

4 (2) establishing modified adjusted gross income of an
5 individual as the basis for determining income eligibility, and
6 defining that income in the same manner the income is defined by 42
7 U.S.C. Section 1396a(e)(14)(A);

8 (3) adopting clear criteria defining an applicant's
9 household size that are consistent with the criteria used for
10 purposes of determining eligibility for the medical assistance
11 program; and

12 (4) simplifying and standardizing eligibility
13 documentation and verification requirements in a manner that is
14 consistent with the requirements applicable in determining
15 eligibility for the medical assistance program.

16 SECTION 3. Section 33.0006, Human Resources Code, is
17 amended to read as follows:

18 Sec. 33.0006. OPERATION OF SUPPLEMENTAL NUTRITION
19 ASSISTANCE PROGRAM; REFERENCES TO FOOD STAMP PROGRAM. (a) The
20 Health and Human Services Commission operates the supplemental
21 nutrition assistance program.

22 (b) A reference in law to the food stamp program means the
23 supplemental nutrition assistance program.

24 SECTION 4. Chapter 33, Human Resources Code, is amended by
25 adding Sections 33.0151 and 33.0152 to read as follows:

26 Sec. 33.0151. STANDARDIZATION OF ELIGIBILITY CRITERIA AND
27 PROCESSES ACROSS BENEFITS PROGRAMS. (a) In this section, "medical

1 assistance program" means the medical assistance program operated
2 under Chapter 32.

3 (b) To the extent permitted by federal law and
4 notwithstanding any other law, on or before January 1, 2014, the
5 executive commissioner of the Health and Human Services Commission
6 by rule may adopt or modify eligibility criteria and processes
7 applicable to the supplemental nutrition assistance program as
8 necessary to ensure that the criteria and processes will be
9 consistent with the criteria and processes applicable to the
10 medical assistance program required by:

11 (1) the Patient Protection and Affordable Care Act
12 (Pub. L. No. 111-148) as amended by the Health Care and Education
13 Reconciliation Act of 2010 (Pub. L. No. 111-152); and

14 (2) federal regulations adopted under those acts.

15 (c) Eligibility criteria and processes adopted under
16 Subsection (b), or modifications to eligibility criteria and
17 processes made under that subsection, for purposes of determining
18 eligibility for the supplemental nutrition assistance program may
19 include to the extent permitted by federal law:

20 (1) eliminating assets and resources tests as those
21 tests are eliminated by 42 U.S.C. Section 1396a(e)(14)(C) and
22 federal regulations for purposes of determining eligibility for the
23 medical assistance program;

24 (2) establishing modified adjusted gross income of an
25 individual as the basis for determining income eligibility, and
26 defining that income in the same manner the income is defined by 42
27 U.S.C. Section 1396a(e)(14)(A);

1 (3) adopting clear criteria defining an applicant's
2 household size that are consistent with the criteria used for
3 purposes of determining eligibility for the medical assistance
4 program; and

5 (4) simplifying and standardizing eligibility
6 documentation and verification requirements in a manner that is
7 consistent with the requirements applicable in determining
8 eligibility for the medical assistance program.

9 Sec. 33.0152. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM:
10 PERIOD OF ELIGIBILITY. To the extent permitted by federal law, the
11 department shall provide that an individual who is determined to be
12 eligible for supplemental nutrition assistance program benefits
13 remains eligible for those benefits until the end of a period not to
14 exceed 12 months, beginning the first day of the month following the
15 date of the eligibility determination.

16 SECTION 5. Section 31.0325, Human Resources Code, is
17 repealed.

18 SECTION 6. On the effective date of this Act, the Health and
19 Human Services Commission and each health and human services
20 agency, as defined by Section 531.001, Government Code, shall
21 discontinue using electronic fingerprint-imaging or photo-imaging
22 of applicants for and recipients of financial assistance under
23 Chapter 31, Human Resources Code, or supplemental nutrition
24 assistance program benefits under Chapter 33, Human Resources Code.

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

1 the agency affected by the provision shall request the waiver or
2 authorization and may delay implementing that provision until the
3 waiver or authorization is granted.

4 SECTION 8. This Act takes effect September 1, 2011.