

By: Rodriguez

S.B. No. 455

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the expansion of eligibility for medical assistance to
3 certain persons under the federal Patient Protection and Affordable
4 Care Act and the application and eligibility determination
5 processes for medical assistance and other programs.

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

7 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,
8 is amended by adding Section 32.02472 to read as follows:

9 Sec. 32.02472. EXPANDED ELIGIBILITY AND APPLICATION AND
10 ELIGIBILITY DETERMINATION PROCESSES FOR MEDICAL ASSISTANCE UNDER
11 PATIENT PROTECTION AND AFFORDABLE CARE ACT. (a) Notwithstanding any
12 other law, the department shall provide medical assistance to all
13 persons who apply for that assistance and for whom federal matching
14 funds are available under the Patient Protection and Affordable
15 Care Act (Pub. L. No. 111-148) as amended by the Health Care and
16 Education Reconciliation Act of 2010 (Pub. L. No. 111-152) to
17 provide that assistance.

18 (b) In providing medical assistance under Subsection (a),
19 the department shall, notwithstanding any other law:

20 (1) as provided by 42 U.S.C. Section 18083:

21 (A) adopt a single, streamlined application form
22 that an individual may use to apply online, in person, by mail, or
23 by telephone for enrollment in, to receive a determination of
24 eligibility for participation in, and to continue participation in

1 the medical assistance program, the child health plan program under
2 Chapter 62, Health and Safety Code, or a qualified health plan
3 offered through a health insurance exchange created to facilitate
4 the purchase of individual and small group health coverage; and

5 (B) to the maximum extent practicable, establish
6 and use electronic sources of data when determining an individual's
7 eligibility for medical assistance;

8 (2) establish modified adjusted gross income of an
9 individual as the basis for determining income eligibility, and
10 define that income in the same manner the income is defined for
11 purposes of 42 U.S.C. Section 1396a(e)(14)(A);

12 (3) eliminate assets and resources tests as provided
13 by 42 U.S.C. Section 1396a(e)(14)(C) for the purpose of determining
14 eligibility for medical assistance;

15 (4) eliminate in-person interview requirements for
16 the purpose of determining or redetermining eligibility for medical
17 assistance as provided by 42 C.F.R. Sections 435.907(d) and
18 435.916(a)(3)(iv); and

19 (5) redetermine eligibility for medical assistance
20 once every 12 months, and no more frequently than once every 12
21 months for recipients whose financial eligibility is determined
22 using modified adjusted gross income as provided by 42 C.F.R.
23 Section 435.916.

24 (c) The executive commissioner of the Health and Human
25 Services Commission shall adopt rules regarding the provision of
26 medical assistance as required by this section.

27 SECTION 2. The changes in law made by this Act apply only to

1 an initial determination or recertification of eligibility of a
2 person for medical assistance under Chapter 32, Human Resources
3 Code, made on or after January 1, 2014, regardless of the date the
4 person applied for that assistance.

5 SECTION 3. As soon as possible after the effective date of
6 this Act, the executive commissioner of the Health and Human
7 Services Commission shall take all necessary actions to expand
8 eligibility for medical assistance under Chapter 32, Human
9 Resources Code, in accordance with Section 32.02472, Human
10 Resources Code, as added by this Act, including notifying
11 appropriate federal agencies of that expanded eligibility.

12 SECTION 4. As soon as possible after the effective date of
13 this Act, the executive commissioner of the Health and Human
14 Services Commission shall adopt the rules required under Section
15 32.02472, Human Resources Code, as added by this Act.

16 SECTION 5. If before implementing any provision of this Act
17 a state agency determines that any other waiver or authorization
18 from a federal agency is necessary for implementation of that
19 provision, the agency affected by the provision shall request the
20 waiver or authorization and may delay implementing that provision
21 until the waiver or authorization is granted.

22 SECTION 6. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2013.