

By: Uresti

S.B. No. 1753

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to ensuring the continuation of medical assistance  
3 benefits for individuals after release or discharge from certain  
4 facilities.

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

6 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,  
7 is amended by adding Section 32.0265 to read as follows:

8 Sec. 32.0265. SUSPENSION AND AUTOMATIC REINSTATEMENT OF  
9 ELIGIBILITY FOR INDIVIDUALS CONFINED IN CERTAIN FACILITIES. (a)

10 In this section:

11 (1) "Correctional facility" has the meaning assigned  
12 by Section 1.07, Penal Code.

13 (2) "Mental health facility" has the meaning assigned  
14 to an institution for mental diseases in 42 C.F.R. Section  
15 435.1010.

16 (b) An individual's eligibility for medical assistance  
17 benefits is suspended during the period the individual is confined  
18 in a correctional facility and, to the extent allowed by federal  
19 law, an individual's eligibility for medical assistance benefits is  
20 suspended during the period the individual is admitted to a mental  
21 health facility.

22 (c) The eligibility of an individual for medical assistance  
23 benefits that is suspended as provided by Subsection (b) is  
24 automatically reinstated on the date the individual is released or

1 discharged from the correctional facility or mental health  
2 facility, provided the individual's eligibility certification  
3 period has not elapsed. Following the reinstatement, the individual  
4 remains eligible until the expiration of the period for which the  
5 individual was certified as eligible.

6 SECTION 2. Chapter 493, Government Code, is amended by  
7 adding Section 493.033 to read as follows:

8 Sec. 493.033. NOTICE TO HEALTH AND HUMAN SERVICES  
9 COMMISSION. (a) The department shall notify the Health and Human  
10 Services Commission of the release or discharge of a prisoner who,  
11 immediately before the prisoner's confinement in a state  
12 correctional facility, was receiving medical assistance benefits  
13 under Chapter 32, Human Resources Code.

14 (b) The department shall provide the notice described by  
15 Subsection (a) by mail and electronically immediately on the  
16 prisoner's release or discharge from custody. The department shall  
17 provide a copy of the notice to the prisoner at the time of the  
18 prisoner's release or discharge.

19 SECTION 3. Subchapter D, Chapter 1001, Health and Safety  
20 Code, is amended by adding Section 1001.082 to read as follows:

21 Sec. 1001.082. NOTICE TO COMMISSION. (a) In this section,  
22 "mental health facility" has the meaning assigned in Section  
23 32.0265, Human Resources Code.

24 (b) The administrator of a mental health facility shall  
25 notify the commission of the release or discharge of a patient who,  
26 immediately before the patient's admission to the facility, was  
27 receiving medical assistance benefits under Chapter 32, Human

1 Resources Code, and whose admission to the facility caused those  
2 benefits to be suspended.

3 (c) The administrator shall provide the notice described by  
4 Subsection (b) by mail and electronically immediately on the  
5 patient's release or discharge. The administrator shall provide a  
6 copy of the notice to the patient at the time of the patient's  
7 release or discharge.

8 SECTION 4. Subchapter C, Chapter 351, Local Government  
9 Code, is amended by adding Section 351.050 to read as follows:

10 Sec. 351.050. NOTICE TO HEALTH AND HUMAN SERVICES  
11 COMMISSION. (a) The sheriff of a county or other county jail  
12 administrator shall notify the Health and Human Services Commission  
13 of the release or discharge of a prisoner who, immediately before  
14 the prisoner's confinement in the county jail, was receiving  
15 medical assistance benefits under Chapter 32, Human Resources Code.

16 (b) The sheriff or jail administrator shall provide the  
17 notice described by Subsection (a) by mail and electronically  
18 immediately on the prisoner's release or discharge from custody.  
19 The sheriff or jail administrator shall provide a copy of the notice  
20 to the prisoner at the time of the prisoner's release or discharge.

21 SECTION 5. Section 32.0265, Human Resources Code, as added  
22 by this Act, applies to an individual whose period of confinement in  
23 a correctional facility or whose admission to a mental health  
24 facility begins on or after the effective date of this Act,  
25 regardless of the date the individual was determined eligible for  
26 medical assistance under Chapter 32, Human Resources Code.

27 SECTION 6. Section 493.033, Government Code, and Section

1 351.050, Local Government Code, as added by this Act, apply to the  
2 release or discharge of a prisoner from a state correctional  
3 facility or county jail that occurs on or after the effective date  
4 of this Act, regardless of the date the prisoner was initially  
5 confined in the state correctional facility or county jail.

6 SECTION 7. Section 1001.082, Health and Safety Code, as  
7 added by this Act, applies to the release or discharge of a patient  
8 from a mental health facility that occurs on or after the effective  
9 date of this Act, regardless of the date the patient was initially  
10 admitted to the facility.

11 SECTION 8. If before implementing any provision of this Act  
12 a state agency determines that a waiver or authorization from a  
13 federal agency is necessary for implementation of that provision,  
14 the agency affected by the provision shall request the waiver or  
15 authorization and may delay implementing that provision until the  
16 waiver or authorization is granted.

17 SECTION 9. This Act takes effect September 1, 2013.