

BILL ANALYSIS

C.S.H.B. 2523
By: Collier
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Statistics show that a large percentage of persons entering county jails have a diagnosed mental illness, with a large number of those persons living in poverty and receiving federal aid such as Medicaid, Supplemental Security Income, or Social Security Disability Insurance benefits. Interested parties assert that when a person is arrested and the jail administration reports the incarceration to the Social Security Administration, the person's federal benefits are often terminated, regardless of whether the person is actually tried, convicted, and sentenced to a jail or prison term. A person who is released from jail on bond or because the charges are dismissed may then be without the medical or financial assistance previously provided to the person through these programs, and there is concern that it can often take months to restore the person's eligibility for public assistance programs, during which time the individual is without the essential therapy or medications necessary to maintain competency. Too frequently, such persons are treated in emergency rooms without health care coverage or end up on the streets without means of support. As a result, counties and municipalities bear much of the cost of housing and health care, including behavioral health care, for those individuals. C.S.H.B. 2523 intends to provide a method by which certain public assistance benefits can be suspended, rather than terminated, while a person receiving those benefits is confined in a county jail. The bill does not expand Medicaid to persons who were not enrolled in the program prior to being incarcerated.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2523 amends the Human Resources Code to require the Health and Human Services Commission (HHSC) to suspend an individual's Medicaid eligibility, if the individual is confined in a county jail because the individual has been charged with but not convicted of an offense, during the period the individual is confined in the county jail. The bill requires HHSC, if an individual is confined in a county jail because the individual has been convicted of an offense, to terminate the individual's Medicaid eligibility or suspend the individual's eligibility during the period the individual is confined in the county jail, as appropriate. The bill requires HHSC, not later than 48 hours after HHSC is notified of the release from a county jail of an individual whose Medicaid eligibility has been suspended under the bill's provisions, to reinstate the individual's eligibility, provided the individual's eligibility certification period has not elapsed. The bill specifies that following the reinstatement, the individual remains eligible until the expiration of the period for which the individual was certified as eligible.

C.S.H.B. 2523 amends the Local Government Code to authorize the sheriff of a county to notify HHSC on the confinement in the county jail of an individual who is receiving Medicaid benefits and on the conviction of a prisoner who, immediately before the prisoner's confinement in the county jail, was receiving Medicaid benefits. The bill requires a county sheriff who chooses to provide such notices to provide the notices electronically or by other appropriate means as soon as possible and not later than the 30th day after the date of the individual's confinement or prisoner's conviction, as applicable.

C.S.H.B. 2523 authorizes the sheriff of a county to notify the U.S. Social Security Administration of the release or discharge of a prisoner who, immediately before the prisoner's confinement in the county jail, was receiving Supplemental Security Income (SSI) benefits or Social Security Disability Insurance (SSDI) benefits and to notify HHSC of the release or discharge of a prisoner who, immediately before the prisoner's confinement in the county jail, was receiving Medicaid benefits. The bill requires a county sheriff who chooses to provide such notices to provide the notices electronically or by other appropriate means not later than 48 hours after the prisoner's release or discharge from custody and, at the time of the prisoner's release or discharge, to provide the prisoner with a written copy of each applicable notice and a phone number at which the prisoner may contact HHSC regarding confirmation of or assistance relating to reinstatement of the individual's Medicaid eligibility, if applicable.

C.S.H.B. 2523 requires HHSC to establish a means by which a county sheriff, or an employee of a county or sheriff, may determine whether an individual confined in the county jail is or was, as appropriate, receiving Medicaid benefits. The bill grants the county or sheriff, or an employee of the county or sheriff, immunity from liability in a civil action for damages resulting from a failure to comply with the bill's provisions.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2523 differs from the original in minor or nonsubstantive ways to conform to changes made by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, which became effective April 2, 2015.