

AN ACT

relating to the reinstatement of eligibility of certain children released from a juvenile facility for benefits under the medical assistance and child health plan programs.

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

SECTION 1. Subchapter C, Chapter 62, Health and Safety Code, is amended by adding Sections 62.106 and 62.107 to read as follows:

Sec. 62.106. SUSPENSION AND AUTOMATIC REINSTATEMENT OF ELIGIBILITY FOR CHILDREN IN JUVENILE FACILITIES. (a) In this section, "juvenile facility" means a facility for the placement, detention, or commitment of a child under Title 3, Family Code.

(b) To the extent allowed under federal law, if a child is placed in a juvenile facility, the commission shall suspend the child's eligibility for health benefits coverage under the child health plan during the period the child is placed in the facility.

(c) Not later than 48 hours after the commission is notified of the release from a juvenile facility of a child whose eligibility for health benefits coverage under the child health plan has been suspended under this section, the commission shall reinstate the child's eligibility. Following the reinstatement, the child remains eligible until the expiration of the period for which the child was certified as eligible, excluding the period during which the child's eligibility was suspended.

1 Sec. 62.107. NOTICE OF CERTAIN PLACEMENTS IN JUVENILE
2 FACILITIES. (a) In this section:

3 (1) "Custodian" and "guardian" have the meanings
4 assigned by Section 51.02, Family Code.

5 (2) "Juvenile facility" has the meaning assigned by
6 Section 62.106.

7 (b) A juvenile facility may notify the commission on the
8 placement in the facility of a child who is enrolled in the child
9 health plan.

10 (c) If a juvenile facility chooses to provide the notice
11 described by Subsection (b), the facility shall provide the notice
12 electronically or by other appropriate means as soon as possible,
13 but not later than the 30th day, after the date of the child's
14 placement.

15 (d) A juvenile facility may notify the commission of the
16 release of a child who, immediately before the child's placement in
17 the facility, was enrolled in the child health plan.

18 (e) If a juvenile facility chooses to provide the notice
19 described by Subsection (d), the facility shall provide the notice
20 electronically or by other appropriate means not later than 48
21 hours after the child's release from the facility.

22 (f) If a juvenile facility chooses to provide the notice
23 described by Subsection (d), at the time of the child's release, the
24 facility shall provide the child's guardian or custodian, as
25 appropriate, with a written copy of the notice and a telephone
26 number at which the commission may be contacted regarding
27 confirmation of or assistance relating to reinstatement of the

1 child's eligibility for health benefits coverage under the child
2 health plan.

3 (g) The commission shall establish a means by which a
4 juvenile facility, or an employee of the facility, may determine
5 whether a child placed in the facility is or was, as appropriate,
6 enrolled in the child health plan for purposes of this section.

7 (h) A juvenile facility, or an employee of the facility, is
8 not liable in a civil action for damages resulting from a failure to
9 comply with this section.

10 SECTION 2. Subchapter B, Chapter 32, Human Resources Code,
11 is amended by adding Sections 32.0264 and 32.0265 to read as
12 follows:

13 Sec. 32.0264. SUSPENSION AND AUTOMATIC REINSTATEMENT OF
14 ELIGIBILITY FOR CHILDREN IN JUVENILE FACILITIES. (a) In this
15 section, "juvenile facility" means a facility for the placement,
16 detention, or commitment of a child under Title 3, Family Code.

17 (b) To the extent allowed under federal law, if a child is
18 placed in a juvenile facility, the commission shall suspend the
19 child's eligibility for medical assistance during the period the
20 child is placed in the facility.

21 (c) Not later than 48 hours after the commission is notified
22 of the release from a juvenile facility of a child whose eligibility
23 for medical assistance has been suspended under this section, the
24 commission shall reinstate the child's eligibility. Following the
25 reinstatement, the child remains eligible until the expiration of
26 the period for which the child was certified as eligible, excluding
27 the period during which the child's eligibility was suspended.

1 Sec. 32.0265. NOTICE OF CERTAIN PLACEMENTS IN JUVENILE
2 FACILITIES. (a) In this section:

3 (1) "Custodian" and "guardian" have the meanings
4 assigned by Section 51.02, Family Code.

5 (2) "Juvenile facility" has the meaning assigned by
6 Section 32.0264.

7 (b) A juvenile facility may notify the commission on the
8 placement in the facility of a child who is receiving medical
9 assistance benefits.

10 (c) If a juvenile facility chooses to provide the notice
11 described by Subsection (b), the facility shall provide the notice
12 electronically or by other appropriate means as soon as possible,
13 but not later than the 30th day, after the date of the child's
14 placement.

15 (d) A juvenile facility may notify the commission of the
16 release of a child who, immediately before the child's placement in
17 the facility, was receiving medical assistance benefits.

18 (e) If a juvenile facility chooses to provide the notice
19 described by Subsection (d), the facility shall provide the notice
20 electronically or by other appropriate means not later than 48
21 hours after the child's release from the facility.

22 (f) If a juvenile facility chooses to provide the notice
23 described by Subsection (d), at the time of the child's release, the
24 facility shall provide the child's guardian or custodian, as
25 appropriate, with a written copy of the notice and a telephone
26 number at which the commission may be contacted regarding
27 confirmation of or assistance relating to reinstatement of the

1 child's eligibility for medical assistance benefits.

2 (g) The commission shall establish a means by which a
3 juvenile facility, or an employee of the facility, may determine
4 whether a child placed in the facility is or was, as appropriate,
5 receiving medical assistance benefits for purposes of this section.

6 (h) A juvenile facility, or an employee of the facility, is
7 not liable in a civil action for damages resulting from a failure to
8 comply with this section.

9 SECTION 3. Sections 62.106(b) and 62.107(b), Health and
10 Safety Code, as added by this Act, and Sections 32.0264(b) and
11 32.0265(b), Human Resources Code, as added by this Act, apply to a
12 child whose period of placement in a juvenile facility begins on or
13 after the effective date of this Act, regardless of the date the
14 child was determined eligible for child health plan coverage under
15 Chapter 62, Health and Safety Code, or medical assistance under
16 Chapter 32, Human Resources Code.

17 SECTION 4. Sections 62.106(c) and 62.107(d), Health and
18 Safety Code, as added by this Act, and Sections 32.0264(c) and
19 32.0265(d), Human Resources Code, as added by this Act, apply to the
20 release of a child from a juvenile facility that occurs on or after
21 the effective date of this Act, regardless of the date the child was
22 initially placed in the facility.

23 SECTION 5. If before implementing any provision of this Act
24 a state agency determines that a waiver or authorization from a
25 federal agency is necessary for implementation of that provision,
26 the agency affected by the provision shall request the waiver or
27 authorization and may delay implementing that provision until the

1 waiver or authorization is granted.

2 SECTION 6. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 839 was passed by the House on May 8, 2015, by the following vote: Yeas 140, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 839 on May 29, 2015, by the following vote: Yeas 141, Nays 4, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 839 was passed by the Senate, with amendments, on May 27, 2015, by the following vote: Yeas 28, Nays 3.

Secretary of the Senate

APPROVED: _____

Date

Governor