

By: Naishtat

H.B. No. 839

Substitute the following for H.B. No. 839:

By: Crownover

C.S.H.B. No. 839

A BILL TO BE ENTITLED

AN ACT

relating to presumptive eligibility for Medicaid and the child health plan program for certain children.

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

SECTION 1. Section 62.101, Health and Safety Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) As authorized by 42 U.S.C. Section 1397gg, the executive commissioner shall adopt rules providing for the determination and certification of presumptive eligibility for the child health plan program of a child under 19 years of age who applies for and meets the basic eligibility requirements for the child health plan program.

(e) The rules adopted under Subsection (d) must:

(1) allow only a juvenile facility for the placement, detention, or commitment of a child under Title 3, Family Code, to serve as a qualified entity and make a presumptive eligibility determination for the child health plan program for a child; and

(2) identify the services and benefits, which must include mental health and substance abuse services, prescription drug benefits, and primary care services, that a child who is presumptively eligible for the child health plan program may receive under that program.

SECTION 2. Section 62.154(b), Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular

1 Session, 2015, is amended to read as follows:

2 (b) A child is not subject to a waiting period adopted under
3 Subsection (a) if:

4 (1) the family lost coverage for the child as a result
5 of:

6 (A) termination of employment because of a layoff
7 or business closing;

8 (B) termination of continuation coverage under
9 the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L.
10 No. 99-272);

11 (C) change in marital status of a parent of the
12 child;

13 (D) termination of the child's Medicaid
14 eligibility because:

15 (i) the child's family's earnings or
16 resources increased; or

17 (ii) the child reached an age at which
18 Medicaid coverage is not available; or

19 (E) a similar circumstance resulting in the
20 involuntary loss of coverage;

21 (2) the family terminated health benefits plan
22 coverage for the child because the cost to the child's family for
23 the coverage exceeded 9.5 percent of the family's household income;

24 (3) the child has access to group-based health
25 benefits plan coverage and is required to participate in the health
26 insurance premium payment reimbursement program administered by
27 the commission;

1 (4) the child is certified as presumptively eligible
2 for the child health plan program under rules adopted under Section
3 62.101(d);

4 (5) the commission has determined that other grounds
5 exist for a good cause exception; or

6 (6) [~~(5)~~] federal law provides that the child is not
7 subject to a waiting period adopted under Subsection (a).

8 SECTION 3. Section 32.026, Human Resources Code, is amended
9 by adding Subsections (h), (i), and (j) to read as follows:

10 (h) As authorized by 42 U.S.C. Section 1396r-1a, the
11 executive commissioner shall adopt rules providing for the
12 determination and certification of presumptive eligibility for
13 medical assistance for a child under 19 years of age who applies for
14 and meets the basic eligibility requirements for medical
15 assistance.

16 (i) The rules adopted under Subsection (h) must:

17 (1) allow only a juvenile facility for the placement,
18 detention, or commitment of a child under Title 3, Family Code, to
19 serve as a qualified entity and make a presumptive eligibility
20 determination for the medical assistance program for a child,
21 unless the presumptive eligibility determination is being made in
22 accordance with rules adopted under Subsection (b) or Section
23 32.024(y), or in accordance with 42 U.S.C. Section 1396a(a)(47);
24 and

25 (2) identify the services and benefits, which must
26 include mental health and substance abuse services, prescription
27 drug benefits, and primary care services, that a child who is

1 presumptively eligible for medical assistance may receive under the
2 medical assistance program.

3 (j) Subsections (h) and (i) do not affect the presumptive
4 eligibility of a person under Subsection (b), Section 32.024(y), or
5 42 U.S.C. Section 1396a(a)(47), including an authorized person's
6 ability to make a presumptive eligibility determination under the
7 medical assistance program or an applicant's eligibility under
8 those provisions.

9 SECTION 4. The executive commissioner of the Health and
10 Human Services Commission shall adopt the rules required by Section
11 62.101(d), Health and Safety Code, as added by this Act, and Section
12 32.026(h), Human Resources Code, as added by this Act, not later
13 than January 1, 2016.

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

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