

By: Naishtat

H.B. No. 839

A BILL TO BE ENTITLED

AN ACT

relating to presumptive eligibility for the Medicaid and child health plan programs 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 of the commission 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:

(1) has been released from:

(A) confinement in a correctional facility, as defined by Section 1.07, Penal Code; or

(B) placement, detention, or commitment in a facility or other setting under Title 3, Family Code; and

(2) applies for and meets the basic eligibility requirements for the child health plan program.

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

(1) specify the period during which a child may apply for presumptive eligibility for the child health plan program following the date of the child's release from a facility or other setting described in Subsection (d)(1);

(2) require that a qualified entity that is making a presumptive eligibility determination for a child accept as

1 verification of the child's release from a facility or other
2 setting described in Subsection (d)(1) any discharge or release
3 papers provided to the child on the child's release; and

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

9 SECTION 2. Section 62.154(b), Health and Safety Code, is
10 amended to read as follows:

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

13 (1) the family lost coverage for the child as a result
14 of:

15 (A) termination of employment because of a layoff
16 or business closing;

17 (B) termination of continuation coverage under
18 the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub.
19 L. No. 99-272);

20 (C) change in marital status of a parent of the
21 child;

22 (D) termination of the child's Medicaid
23 eligibility because:

24 (i) the child's family's earnings or
25 resources increased; or

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

1 (E) a similar circumstance resulting in the
2 involuntary loss of coverage;

3 (2) the family terminated health benefits plan
4 coverage for the child because the cost to the child's family for
5 the coverage exceeded 10 percent of the family's net income;

6 (3) the child has access to group-based health
7 benefits plan coverage and is required to participate in the health
8 insurance premium payment reimbursement program administered by
9 the commission; ~~or~~

10 (4) the child is certified as presumptively eligible
11 for the child health plan program under rules adopted under Section
12 62.101(d); or

13 (5) the commission has determined that other grounds
14 exist for a good cause exception.

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

17 (h) As authorized by 42 U.S.C. Section 1396r-1a, the
18 executive commissioner of the Health and Human Services Commission
19 shall adopt rules providing for the determination and certification
20 of presumptive eligibility for medical assistance for a child under
21 19 years of age who:

22 (1) has been released from:

23 (A) confinement in a correctional facility, as
24 defined by Section 1.07, Penal Code; or

25 (B) placement, detention, or commitment in a
26 facility or other setting under Title 3, Family Code; and

27 (2) applies for and meets the basic eligibility

1 requirements for medical assistance.

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

3 (1) specify the period during which a child may apply
4 for presumptive eligibility for medical assistance following the
5 date of the child's release from a facility or other setting
6 described in Subsection (h)(1);

7 (2) require that a qualified entity that is making a
8 presumptive eligibility determination for a child accept as
9 verification of the child's release from a facility or other
10 setting described in Subsection (h)(1) any discharge or release
11 papers provided to the child on the child's release; and

12 (3) identify the services and benefits, which must
13 include mental health and substance abuse services, prescription
14 drug benefits, and primary care services, that a child who is
15 presumptively eligible for medical assistance may receive under the
16 medical assistance program.

17 SECTION 4. The executive commissioner of the Health and
18 Human Services Commission shall adopt the rules required by Section
19 62.101(d), Health and Safety Code, as added by this Act, and Section
20 32.026(h), Human Resources Code, as added by this Act, not later
21 than January 1, 2016.

22 SECTION 5. The changes in law made by this Act apply to a
23 child who is released from a facility or other setting described by
24 Section 62.101(d)(1), Health and Safety Code, as added by this Act,
25 or Section 32.026(h)(1), Human Resources Code, as added by this
26 Act, on or after January 1, 2016, regardless of the date the child
27 was confined in, placed in, detained in, or committed to the

1 facility or other setting.

2 SECTION 6. If before implementing any provision of this Act
3 a state agency determines that a waiver or authorization from a
4 federal agency is necessary for implementation of that provision,
5 the agency affected by the provision shall request the waiver or
6 authorization and may delay implementing that provision until the
7 waiver or authorization is granted.

8 SECTION 7. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2015.