

**House Bill 839**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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. 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 confined in a juvenile facility, the commission shall suspend the child's eligibility for health benefits coverage under the

SENATE VERSION (CS)

No equivalent provision.

CONFERENCE

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

**House Bill 839**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

child health plan during the period the child is confined 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, provided the child's eligibility certification period has not elapsed. Following the reinstatement, the child remains eligible until the expiration of the period for which the child was certified as eligible.

Sec. 62.107. NOTICE OF CERTAIN CONFINEMENTS IN JUVENILE FACILITIES.

(a) In this section, "juvenile facility" has the meaning assigned by Section 62.106.

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

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

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

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

SENATE VERSION (CS)

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.

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

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

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

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

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

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

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

CONFERENCE

**House Bill 839**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(f) If a juvenile facility chooses to provide the notice described by Subsection (d), at the time of the child's release, the facility shall provide the child with a written copy of the notice and a telephone number at which the child's parent or legal guardian may contact the commission regarding confirmation of or assistance relating to reinstatement of the child's eligibility for health benefits coverage under the child health plan, if applicable.

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

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

SECTION 3. Section 62.154(b), Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

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

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

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

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

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

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

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

SENATE VERSION (CS)

(f) If a juvenile facility chooses to provide the notice described by Subsection (d), at the time of the child's release, the facility shall provide the child's guardian or custodian, as appropriate, with a written copy of the notice and a telephone number at which the commission may be contacted regarding confirmation of or assistance relating to reinstatement of the child's eligibility for health benefits coverage under the child health plan.

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

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

No equivalent provision.

CONFERENCE

**House Bill 839**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

- (ii) the child reached an age at which Medicaid coverage is not available; or
- (E) a similar circumstance resulting in the involuntary loss of coverage;
- (2) the family terminated health benefits plan coverage for the child because the cost to the child's family for the coverage exceeded 9.5 percent of the family's household income;
- (3) the child has access to group-based health benefits plan coverage and is required to participate in the health insurance premium payment reimbursement program administered by the commission;
- (4) the child is certified as presumptively eligible for the child health plan program under rules adopted under Section 62.101(d);
- (5) the commission has determined that other grounds exist for a good cause exception; or
- (6) [~~5~~] federal law provides that the child is not subject to a waiting period adopted under Subsection (a).

SECTION 4. Section 32.026, Human Resources Code, is amended by adding Subsections (h), (i), and (j) to read as follows:

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

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

- (1) allow only a juvenile facility for the placement, detention, or commitment of a child under Title 3, Family Code, to serve

SENATE VERSION (CS)

CONFERENCE

No equivalent provision.

**House Bill 839**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

as a qualified entity and make a presumptive eligibility determination for the medical assistance program for a child, unless the presumptive eligibility determination is being made in accordance with rules adopted under Subsection (b) or Section 32.024(y), or in accordance with 42 U.S.C. Section 1396a(a)(47); 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 medical assistance may receive under the medical assistance program.

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

SECTION 5. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Sections 32.0264 and 32.0265 to read as follows:

Sec. 32.0264. 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) If a child is confined in a juvenile facility, the commission shall suspend the child's eligibility for medical assistance during the period the child is confined in the facility.

(c) Not later than 48 hours after the commission is notified of

SENATE VERSION (CS)

CONFERENCE

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

Sec. 32.0264. 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 medical assistance during the period the child is placed in the facility.

(c) Not later than 48 hours after the commission is notified of

**House Bill 839**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

the release from a juvenile facility of a child whose eligibility for medical assistance has been suspended under this section, the commission shall reinstate the child's eligibility, provided the child's eligibility certification period has not elapsed. Following the reinstatement, the child remains eligible until the expiration of the period for which the child was certified as eligible.

Sec. 32.0265. NOTICE OF CERTAIN CONFINEMENTS IN JUVENILE FACILITIES.

(a) In this section, "juvenile facility" has the meaning assigned by Section 32.0264.

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

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

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

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

(f) If a juvenile facility chooses to provide the notice described by Subsection (d), at the time of the child's release, the facility shall provide the child with a written copy of the

SENATE VERSION (CS)

the release from a juvenile facility of a child whose eligibility for medical assistance 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.

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

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

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

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

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

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

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

(f) If a juvenile facility chooses to provide the notice described by Subsection (d), at the time of the child's release, the facility shall provide the child's guardian or custodian, as

CONFERENCE

**House Bill 839**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

notice and a telephone number at which the child's parent or legal guardian may contact the commission regarding confirmation of or assistance relating to reinstatement of the child's eligibility for medical assistance benefits, if applicable.

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

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

SECTION 6. The executive commissioner of the Health and Human Services Commission shall adopt the rules required by Section 62.101(d), Health and Safety Code, as added by this Act, and Section 32.026(h), Human Resources Code, as added by this Act, not later than January 1, 2016.

SECTION 7. Sections 62.106(b) and 62.107(b), Health and Safety Code, as added by this Act, and Sections 32.0264(b) and 32.0265(b), Human Resources Code, as added by this Act, apply to a child whose period of **confinement** in a juvenile facility begins on or after the effective date of this Act, regardless of the date the child was determined eligible for child health plan coverage under Chapter 62, Health and Safety Code, or medical assistance under Chapter 32, Human Resources Code.

SENATE VERSION (CS)

appropriate, with a written copy of the notice and a telephone number at which the commission may be contacted regarding confirmation of or assistance relating to reinstatement of the child's eligibility for medical assistance benefits.

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

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

**No equivalent provision.**

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

CONFERENCE

**House Bill 839**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 8. Sections 62.106(c) and 62.107(d), Health and Safety Code, as added by this Act, and Sections 32.0264(c) and 32.0265(d), Human Resources Code, as added by this Act, apply to the release of a child from a juvenile facility that occurs on or after the effective date of this Act, regardless of the date the child was initially confined in the facility.

SECTION 9. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

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

SENATE VERSION (CS)

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

SECTION 5. Same as House version.

SECTION 6. Same as House version.

CONFERENCE