

AN ACT

relating to the continuation of certain public benefits, including medical assistance benefits, for individuals after release from confinement in a county jail.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0266 to read as follows:

Sec. 32.0266. SUSPENSION, TERMINATION, AND AUTOMATIC REINSTATEMENT OF ELIGIBILITY FOR INDIVIDUALS CONFINED IN COUNTY JAILS. (a) In this section, "county jail" means a facility operated by or for a county for the confinement of persons accused or convicted of an offense.

(b) To the extent allowed by federal law, if an individual is confined in a county jail and the sheriff of the county has notified the commission of the confinement under Section 351.046, Local Government Code, the commission shall suspend or terminate, as appropriate, the individual's eligibility for medical assistance during the period the individual is confined in the county jail.

(c) Not later than 48 hours after the commission is notified under Section 351.046, Local Government Code, of the release from a county jail of an individual whose eligibility for medical assistance has been suspended under this section, the commission shall reinstate the individual's eligibility, provided the

1 individual's eligibility certification period has not elapsed. To
2 the extent allowed by federal law, following the reinstatement, the
3 individual remains eligible until the expiration of the period for
4 which the individual was certified as eligible.

5 SECTION 2. Subchapter C, Chapter 351, Local Government
6 Code, is amended by adding Sections 351.046 and 351.047 to read as
7 follows:

8 Sec. 351.046. NOTICE TO CERTAIN GOVERNMENTAL ENTITIES. (a)
9 In this section, "medical assistance benefits" means medical
10 assistance benefits provided under Chapter 32, Human Resources
11 Code.

12 (b) The sheriff of a county may notify the Health and Human
13 Services Commission on the confinement in the county jail of an
14 individual who is receiving medical assistance benefits.

15 (c) If the sheriff of a county chooses to provide the notice
16 described by Subsection (b), the sheriff, or an employee of the
17 county or sheriff, shall provide the notice electronically or by
18 other appropriate means as soon as possible after the 30th day after
19 the date of the individual's confinement.

20 (d) If the sheriff of a county chooses to provide the notice
21 described by Subsection (b), the sheriff shall notify:

22 (1) the United States Social Security Administration
23 of the release or discharge of a prisoner who, immediately before
24 the prisoner's confinement in the county jail, was receiving:

25 (A) Supplemental Security Income (SSI) benefits
26 under 42 U.S.C. Section 1381 et seq.; or

27 (B) Social Security Disability Insurance (SSDI)

1 benefits under 42 U.S.C. Section 401 et seq.; and

2 (2) the Health and Human Services Commission of the
3 release or discharge of a prisoner who, immediately before the
4 prisoner's confinement in the county jail, was receiving medical
5 assistance benefits.

6 (e) If the sheriff of a county provides the notices
7 described by Subsection (d), the sheriff, or an employee of the
8 county or sheriff, shall provide the notices electronically or by
9 other appropriate means not later than 48 hours after the
10 prisoner's release or discharge from custody.

11 (f) If the sheriff of a county provides the notice described
12 by Subsection (d)(2), at the time of the prisoner's release or
13 discharge, the sheriff, or an employee of the county or sheriff,
14 shall provide the prisoner with a written copy of the notice and a
15 telephone number at which the prisoner may contact the Health and
16 Human Services Commission regarding confirmation of or assistance
17 relating to reinstatement of the individual's eligibility for
18 medical assistance benefits, if applicable.

19 (g) The Health and Human Services Commission shall
20 establish a means by which the sheriff of a county, or an employee
21 of the county or sheriff, may determine whether an individual
22 confined in the county jail is or was, as appropriate, receiving
23 medical assistance benefits for purposes of this section.

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

27 Sec. 351.047. ASSISTANCE WITH REINSTATEMENT OF BENEFITS.

1 The sheriff of a county may enter into an agreement with a third
2 party with experience providing reintegration resources or
3 services to former prisoners under which the third party assists a
4 person who is released or discharged from the county jail with the
5 reinstatement of the person's eligibility for, as appropriate:

6 (1) medical assistance benefits under Chapter 32,
7 Human Resources Code;

8 (2) Supplemental Security Income (SSI) benefits under
9 42 U.S.C. Section 1381 et seq.; and

10 (3) Social Security Disability Insurance (SSDI)
11 benefits under 42 U.S.C. Section 401 et seq.

12 SECTION 3. Section 32.0266(b), Human Resources Code, and
13 Section 351.046(b), Local Government Code, as added by this Act,
14 apply to an individual whose period of confinement in a county jail
15 begins on or after the effective date of this Act, regardless of the
16 date the individual was determined eligible for medical assistance
17 under Chapter 32, Human Resources Code.

18 SECTION 4. Section 32.0266(c), Human Resources Code, and
19 Section 351.046(d), Local Government Code, as added by this Act,
20 apply to the release or discharge of a prisoner from a county jail
21 that occurs on or after the effective date of this Act, regardless
22 of the date the prisoner was initially confined in the county jail.

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 September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 337 was passed by the House on May 6, 2017, by the following vote: Yeas 133, Nays 11, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 337 on May 26, 2017, by the following vote: Yeas 118, Nays 22, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 337 was passed by the Senate, with amendments, on May 24, 2017, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor