

By: Collier, Anderson of McLennan

H.B. No. 337

Substitute the following for H.B. No. 337:

By: Coleman

C.S.H.B. No. 337

A BILL TO BE ENTITLED

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) If an individual is confined in a county jail because the individual has been charged with but not convicted of an offense, the commission shall, as soon as the commission becomes aware of the confinement, suspend the individual's eligibility for medical assistance during the period the individual is confined in the county jail.

(c) If an individual is confined in a county jail because the individual has been convicted of an offense, the commission shall, as soon as the commission becomes aware of the conviction, as appropriate:

(1) terminate the individual's eligibility for medical assistance; or

1 (2) suspend the individual's eligibility during the
2 period the individual is confined in the county jail.

3 (d) Not later than 48 hours after the commission is notified
4 of the release from a county jail of an individual whose eligibility
5 for medical assistance has been suspended under this section, the
6 commission shall reinstate the individual's eligibility, provided
7 the individual's eligibility certification period has not elapsed.
8 Following the reinstatement, the individual remains eligible until
9 the expiration of the period for which the individual was certified
10 as eligible.

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

14 Sec. 351.046. NOTICE TO CERTAIN GOVERNMENTAL ENTITIES. (a)
15 In this section, "medical assistance benefits" means medical
16 assistance benefits provided under Chapter 32, Human Resources
17 Code.

18 (b) The sheriff of a county may notify the Health and Human
19 Services Commission:

20 (1) on the confinement in the county jail of an
21 individual who is receiving medical assistance benefits; and

22 (2) on the conviction of a prisoner who, immediately
23 before the prisoner's confinement in the county jail, was receiving
24 medical assistance benefits.

25 (c) If the sheriff of a county chooses to provide the
26 notices described by Subsection (b), the sheriff, or an employee of
27 the county or sheriff, shall provide the notices electronically or

1 by other appropriate means as soon as possible after the 30th day
2 after the date of the individual's confinement or prisoner's
3 conviction, as applicable.

4 (d) If the sheriff of a county chooses to provide the
5 notices described by Subsection (b), the sheriff shall notify:

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

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

11 (B) Social Security Disability Insurance (SSDI)
12 benefits under 42 U.S.C. Section 401 et seq.; and

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

17 (e) If the sheriff of a county provides the notices
18 described by Subsection (d), the sheriff, or an employee of the
19 county or sheriff, shall provide the notices electronically or by
20 other appropriate means not later than 48 hours after the
21 prisoner's release or discharge from custody.

22 (f) If the sheriff of a county provides the notices
23 described by Subsection (d), at the time of the prisoner's release
24 or discharge, the sheriff, or an employee of the county or sheriff,
25 shall provide the prisoner with a written copy of each applicable
26 notice and a telephone number at which the prisoner may contact the
27 Health and Human Services Commission regarding confirmation of or

assistance relating to reinstatement of the individual's eligibility for medical assistance benefits, if applicable.

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

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

Sec. 351.047. ASSISTANCE WITH REINSTATEMENT OF BENEFITS. The sheriff of a county may enter into an agreement with a third party with experience providing reintegration resources or services to former prisoners under which the third party assists a person who is released or discharged from the county jail with the reinstatement of the person's eligibility for, as appropriate:

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

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

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

SECTION 3. Sections 32.0266(b) and (c), Human Resources Code, and Section 351.046(b), Local Government Code, as added by this Act, apply to an individual whose period of confinement in a county jail begins on or after the effective date of this Act, regardless of the date the individual was determined eligible for

1 medical assistance under Chapter 32, Human Resources Code.

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

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

13 SECTION 6. This Act takes effect September 1, 2017.