

By: Collier

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 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 appropriate:

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

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

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

9 SECTION 2. Subchapter C, Chapter 351, Local Government
10 Code, is amended by adding Section 351.046 to read as follows:

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

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

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

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

22 (c) If the sheriff of a county chooses to provide the
23 notices described by Subsection (b), the sheriff shall provide the
24 notices electronically or by other appropriate means as soon as
25 possible and not later than the 30th day after the date of the
26 individual's confinement or prisoner's conviction, as applicable.

27 (d) The sheriff of a county may notify:

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

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

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

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

12 (e) If the sheriff of a county chooses to provide the
13 notices described by Subsection (d), the sheriff shall provide the
14 notices electronically or by other appropriate means not later than
15 48 hours after the prisoner's release or discharge from custody.

16 (f) If the sheriff of a county chooses to provide the
17 notices described by Subsection (d), at the time of the prisoner's
18 release or discharge, the sheriff shall provide the prisoner with a
19 written copy of each applicable notice and a telephone number at
20 which the prisoner may contact the Health and Human Services
21 Commission regarding confirmation of or assistance relating to
22 reinstatement of the individual's eligibility for medical
23 assistance benefits, if applicable.

24 (g) The Health and Human Services Commission shall
25 establish a means by which the sheriff of a county, or an employee
26 of the county or sheriff, may determine whether an individual
27 confined in the county jail is or was, as appropriate, receiving

1 medical assistance benefits for purposes of this section.

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

5 SECTION 3. Sections 32.0266(b) and (c), Human Resources
6 Code, and Section 351.046(b), Local Government Code, as added by
7 this Act, apply to an individual whose period of confinement in a
8 county jail begins on or after the effective date of this Act,
9 regardless of the date the individual was determined eligible for
10 medical assistance under Chapter 32, Human Resources Code.

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

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

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