

By: Coleman

H.B. No. 1734

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the continuation of certain public benefits, including  
3 medical assistance, for individuals after release from confinement  
4 in a county jail.

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

6 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,  
7 is amended by adding Section 32.0264 to read as follows:

8 Sec. 32.0264. SUSPENSION, TERMINATION, AND AUTOMATIC  
9 REINSTATEMENT OF ELIGIBILITY FOR INDIVIDUALS CONFINED IN COUNTY  
10 JAILS. (a) In this section, "county jail" means a facility  
11 operated by or for a county for the confinement of persons accused  
12 or convicted of an offense.

13 (b) If an individual is confined in a county jail because  
14 the individual has been charged with but not convicted of an  
15 offense, the commission shall suspend the individual's eligibility  
16 for medical assistance during the period the individual is confined  
17 in the county jail.

18 (c) If an individual is confined in a county jail because  
19 the individual has been convicted of an offense, the commission  
20 shall, as appropriate:

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

23 (2) suspend the individual's eligibility during the  
24 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 The sheriff of a county may notify the Health and Human Services  
13 Commission:

14                (1) on the confinement in the county jail of an  
15 individual who is receiving medical assistance benefits under  
16 Chapter 32, Human Resources Code; and

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

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

25                (c) The sheriff of a county may notify:

26                (1) the United States Social Security Administration  
27 of the release or discharge of a prisoner who, immediately before

1 the prisoner's confinement in the county jail, was receiving:

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

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

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

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

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

22 (f) The Health and Human Services Commission shall  
23 establish a means by which the sheriff of a county, or an employee  
24 of the county or sheriff, may determine whether an individual  
25 confined in the county jail is or was, as appropriate, receiving  
26 medical assistance benefits under Chapter 32, Human Resources Code,  
27 for purposes of this section.

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

4        SECTION 3. Sections 32.0264(a)-(c), Human Resources Code,  
5 and Section 351.046(a), Local Government Code, as added by this  
6 Act, apply to an individual whose period of confinement in a county  
7 jail begins on or after the effective date of this Act, regardless  
8 of the date the individual was determined eligible for medical  
9 assistance under Chapter 32, Human Resources Code.

10       SECTION 4. Section 32.0264(d), Human Resources Code, and  
11 Section 351.046(c), Local Government Code, as added by this Act,  
12 apply to the release or discharge of a prisoner from a county jail  
13 that occurs on or after the effective date of this Act, regardless  
14 of the date the prisoner was initially confined in the county jail.

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

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