

By: Menéndez

S.B. No. 235

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 Sections 32.02641 and 32.02651 to read as  
8 follows:

9 Sec. 32.02641. SUSPENSION, TERMINATION, AND AUTOMATIC  
10 REINSTATEMENT OF ELIGIBILITY FOR INDIVIDUALS CONFINED IN COUNTY  
11 JAILS. (a) In this section, "county jail" means a facility  
12 operated by or for a county for the confinement of persons accused  
13 or convicted of an offense.

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

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

23 (1) terminate the individual's eligibility for medical  
24 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           Sec. 32.02651. ASSISTING CERTAIN COUNTY OFFICIALS WITH  
12 DETERMINING WHETHER INDIVIDUALS CONFINED IN COUNTY JAILS ARE  
13 RECIPIENTS. (a) In this section, "county jail" has the meaning  
14 assigned by Section 32.02641.

15           (b) The commission shall establish a means by which the  
16 sheriff of a county for purposes of Section 351.046, Local  
17 Government Code, or an employee of the county or sheriff, may  
18 determine whether an individual confined in the county jail is or  
19 was, as appropriate, receiving medical assistance benefits.

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

23           Sec. 351.046. NOTICE TO CERTAIN GOVERNMENTAL ENTITIES. (a)  
24 The sheriff of a county may notify the Health and Human Services  
25 Commission:

26           (1) on the confinement in the county jail of an  
27 individual who is receiving medical assistance benefits under

1 Chapter 32, Human Resources Code; and

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

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

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

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

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

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

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

22 (d) If the sheriff of a county chooses to provide the  
23 notices described by Subsection (c), the sheriff shall provide the  
24 notices electronically or by other appropriate means not later than  
25 48 hours after the prisoner's release or discharge from custody.

26 (e) If the sheriff of a county chooses to provide the  
27 notices described by Subsection (c), at the time of the prisoner's

1 release or discharge, the sheriff shall provide the prisoner with a  
2 written copy of each applicable notice and a telephone number by  
3 which the prisoner may contact the Health and Human Services  
4 Commission regarding confirmation of or assistance relating to  
5 reinstatement of the individual's eligibility for medical  
6 assistance benefits, if applicable.

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

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

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

18 (2) Supplemental Security Income (SSI) benefits under  
19 42 U.S.C. Section 1381 et seq.; and

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

22 SECTION 3. Sections 32.02641(a)-(c), Human Resources Code,  
23 and Section 351.046(a), Local Government Code, as added by this  
24 Act, apply to an individual whose period of confinement in a county  
25 jail begins on or after the effective date of this Act, regardless  
26 of the date the individual was determined eligible for medical  
27 assistance under Chapter 32, Human Resources Code.

1           SECTION 4. Section 32.02641(d), Human Resources Code, and  
2 Section 351.046(c), Local Government Code, as added by this Act,  
3 apply to the release or discharge of a prisoner from a county jail  
4 that occurs on or after the effective date of this Act, regardless  
5 of the date the prisoner was initially confined in the county jail.

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

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