

AN ACT

relating to the provision of Medicaid benefits to certain children formerly in the conservatorship of the Department of Family and Protective Services.

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

SECTION 1. Section 162.304(b-1), Family Code, is amended to read as follows:

(b-1) Subject to the availability of funds, the department shall pay a \$150 subsidy each month for the premiums for health benefits coverage for a child with respect to whom a court has entered a final order of adoption if the child:

(1) was in the conservatorship of the department at the time of the child's adoptive placement;

(2) after the adoption, is not receiving ~~[eligible for]~~ medical assistance under Chapter 32, Human Resources Code; and

(3) is younger than 18 years of age.

SECTION 2. Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.00531 to read as follows:

Sec. 533.00531. MEDICAID BENEFITS FOR CERTAIN CHILDREN FORMERLY IN FOSTER CARE. (a) This section applies only with respect to a child who:

(1) resides in this state; and

(2) is eligible for assistance or services under:

(A) Subchapter D, Chapter 162, Family Code; or

1 (B) Subchapter K, Chapter 264, Family Code.

2 (b) Except as provided by Subsection (c), the commission
3 shall ensure that each child described by Subsection (a) remains or
4 is enrolled in the STAR Health program unless or until the child is
5 enrolled in another Medicaid managed care program.

6 (c) If a child described by Subsection (a) received
7 Supplemental Security Income (SSI) (42 U.S.C. Section 1381 et seq.)
8 or was receiving Supplemental Security Income before becoming
9 eligible for assistance or services under Subchapter D, Chapter
10 162, Family Code, or Subchapter K, Chapter 264, Family Code, as
11 applicable, the child may receive Medicaid benefits in accordance
12 with the program established under this subsection. To the extent
13 permitted by federal law, the commission, in consultation with the
14 Department of Family and Protective Services, shall develop and
15 implement a program that allows the adoptive parent or permanent
16 managing conservator of a child described by this subsection to
17 elect on behalf of the child to receive or, if applicable, continue
18 receiving Medicaid benefits under the:

19 (1) STAR Health program; or

20 (2) STAR Kids managed care program.

21 (d) The commission shall protect the continuity of care for
22 each child described under this section and, if applicable, ensure
23 coordination between the STAR Health program and any other Medicaid
24 managed care program for each child who is transitioning between
25 Medicaid managed care programs.

26 (e) The executive commissioner shall adopt rules necessary
27 to implement this section.

1 SECTION 3. Section 162.304(f), Family Code, is repealed.

2 SECTION 4. As soon as possible after the effective date of
3 this Act, the Health and Human Services Commission shall apply for
4 and actively pursue from the federal Centers for Medicare and
5 Medicaid Services or other appropriate federal agency any waiver or
6 other authorization necessary to implement Section 533.00531,
7 Government Code, as added by this Act. The commission may delay
8 implementing this Act until the waiver or authorization is granted.

9 SECTION 5. The Health and Human Services Commission is
10 required to implement a provision of this Act only if the
11 legislature appropriates money specifically for that purpose. If
12 the legislature does not appropriate money specifically for that
13 purpose, the commission may, but is not required to, implement a
14 provision of this Act using other appropriations available for that
15 purpose.

16 SECTION 6. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 72 was passed by the House on May 2, 2019, by the following vote: Yeas 140, Nays 2, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 72 on May 23, 2019, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 72 was passed by the Senate, with amendments, on May 20, 2019, by the following vote: Yeas 28, Nays 3.

Secretary of the Senate

APPROVED: _____

Date

Governor