

By: White

H.B. No. 72

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the continuation of Medicaid benefits provided to
3 certain children adopted from the conservatorship of the Department
4 of Family and Protective Services.

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

6 SECTION 1. Sections 162.304(b-1) and (f), Family Code, are
7 amended to read as follows:

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

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

14 (2) after the adoption, is not eligible for or is not
15 receiving medical assistance under Chapter 32, Human Resources
16 Code; and

17 (3) is younger than 18 years of age.

18 (f) Subject to the availability of funds, the department
19 shall work with the Health and Human Services Commission and the
20 federal government to develop a program to provide medical
21 assistance under Chapter 32, Human Resources Code, to children who
22 were in the conservatorship of the department at the time of
23 adoptive placement and need medical or rehabilitative care but do
24 not qualify for:

1 (1) adoption assistance under this section; or

2 (2) the continuation of medical assistance benefits
3 under Section 533.00531, Government Code.

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

6 Sec. 533.00531. STAR HEALTH PROGRAM: CONTINUATION OF
7 BENEFITS FOR CERTAIN RECIPIENTS. (a) The commission, in
8 consultation with the Department of Family and Protective Services,
9 shall develop and implement a program that will allow the adoptive
10 parent of a recipient with a chronic health condition who, because
11 of the recipient's adoption, will no longer be in the
12 conservatorship of the department to elect on behalf of the
13 recipient to continue receiving benefits under the STAR Health
14 Medicaid managed care program or another Medicaid managed care
15 program already in existence or created for purposes of this
16 section.

17 (b) The program required by this section must:

18 (1) ensure each recipient receives benefits under the
19 STAR Health Medicaid managed care program or other Medicaid managed
20 care program that are comparable to the benefits the recipient
21 would have received had the recipient remained in the
22 conservatorship of the Department of Family and Protective
23 Services; and

24 (2) protect the continuity of care for each recipient
25 and, if applicable, ensure coordination between the STAR Health
26 Medicaid managed care program and any Medicaid managed care program
27 to which the provision of health care benefits for the recipient

1 will transition.

2 SECTION 3. 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 4. This Act takes effect September 1, 2019.