

By: Cortez, Rose, Davis of Harris, Bernal,
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H.B. No. 342

Substitute the following for H.B. No. 342:

By: Hinojosa

C.S.H.B. No. 342

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for the medical assistance program and
enrollment in the child health plan program.

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

SECTION 1. Section 32.0261, Human Resources Code, is
amended to read as follows:

Sec. 32.0261. CONTINUOUS ELIGIBILITY. The executive
commissioner shall adopt rules in accordance with 42 U.S.C. Section
1396a(e)(12), as amended, to provide for a period of continuous
eligibility for a child under 19 years of age who is determined to
be eligible for medical assistance under this chapter. The rules
shall provide that the child remains eligible for medical
assistance, without additional review by the commission and
regardless of changes in the child's ~~[resources or]~~ income, until
the earlier of:

(1) the end of the six-month period following the date
on which the child's eligibility was determined; or

(2) the child's 19th birthday.

SECTION 2. Subchapter B, Chapter 32, Human Resources Code,
is amended by adding Section 32.02612 to read as follows:

Sec. 32.02612. PERIODIC ELIGIBILITY REVIEW FOR CERTAIN
RECIPIENTS; ENROLLMENT IN CHILD HEALTH PLAN. (a) During the sixth
month following the date on which a child's eligibility for medical
assistance is certified or recertified, the commission may:

1 (1) review the child's household income; and

2 (2) if the review indicates that the child's household
3 income exceeds the maximum income for eligibility for the medical
4 assistance program, request additional documentation to verify the
5 child's household income.

6 (b) The commission:

7 (1) may conduct the review under Subsection (a) using
8 electronic means, if available; and

9 (2) shall conduct the review under Subsection (a)
10 using information obtained through a third party database.

11 (c) If, after reviewing a child's household income under
12 Subsection (a), the commission determines that the household income
13 exceeds the maximum income for eligibility for the medical
14 assistance program, the commission shall continue to provide
15 medical assistance to the child until:

16 (1) the commission provides the child's parent or
17 guardian with a period of not less than 30 days to provide
18 documentation demonstrating that the child's household income does
19 not exceed the maximum income for eligibility; and

20 (2) the child's parent or guardian fails to provide the
21 documentation during the period described by Subdivision (1).

22 (d) The commission shall provide the child's parent or
23 guardian with written notice of the termination under Subsection
24 (c), if applicable. The notice must include a statement that the
25 child may be eligible for enrollment in the child health plan under
26 Chapter 62, Health and Safety Code.

27 (e) In developing the notice required under Subsection (d),

1 the commission shall consult with health care providers, children's
2 health care advocates, family members of children enrolled in the
3 medical assistance program, and other stakeholders to determine the
4 most user-friendly method to provide the notice to a child's parent
5 or guardian.

6 (f) The commission shall automatically enroll in the child
7 health plan under Chapter 62, Health and Safety Code, a child whose
8 household income as determined under this section:

9 (1) exceeds the maximum income for eligibility for the
10 medical assistance program; and

11 (2) establishes eligibility for the child to receive
12 benefits under the child health plan.

13 (g) The commission shall track and, not later than September
14 1 of each year, prepare and submit a written report to the
15 legislature on:

16 (1) the number of children who lose eligibility for
17 medical assistance due to a procedural matter during the review
18 conducted under this section or during the recertification process;

19 (2) the procedural matters described by Subdivision
20 (1) that cause a child to lose eligibility for medical assistance;

21 (3) the number of children who lose eligibility for
22 medical assistance following the review conducted under this
23 section, not including children described by Subdivision (1);

24 (4) the number of and rate at which children described
25 by Subdivisions (1) and (3) are enrolled in the child health plan
26 under Chapter 62, Health and Safety Code, during the review
27 conducted under this section or during the recertification process;

1 and

2 (5) the number of children who lose eligibility for
3 medical assistance following the review conducted under this
4 section and who are automatically enrolled by the commission under
5 Subsection (f) in the child health plan under Chapter 62, Health and
6 Safety Code.

7 (h) The executive commissioner may adopt rules as necessary
8 to implement this section.

9 SECTION 3. If before implementing any provision of this Act
10 a state agency determines that a waiver or authorization from a
11 federal agency is necessary for implementation of that provision,
12 the agency affected by the provision shall request the waiver or
13 authorization and may delay implementing that provision until the
14 waiver or authorization is granted.

15 SECTION 4. This Act takes effect September 1, 2019.