

By: Guillen

H.B. No. 2474

Substitute the following for H.B. No. 2474:

By: Hinojosa

C.S.H.B. No. 2474

A BILL TO BE ENTITLED

AN ACT

relating to the continuation of medical assistance for certain individuals.

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

SECTION 1. Section 32.0256, Human Resources Code, is amended to read as follows:

Sec. 32.0256. CONTINUATION OF MEDICAL ASSISTANCE FOR CERTAIN INDIVIDUALS; ANNUAL REPORT. (a) A recipient ~~[described by Section 32.025(a)]~~ who experiences an event or circumstance, including a temporary increase in income of a duration of one month or less or a minor technical or clerical error committed on or with respect to the recipient's renewal application or other document required for benefits renewal, that would normally result in the recipient being determined ineligible for medical assistance continues to be eligible for that assistance if the individual:

(1) either:

(A) receives services through one of the following programs that serve [a program for] individuals with an intellectual or developmental disability ~~[authorized]~~ under Section 1915(c), Social Security Act (42 U.S.C. Section 1396n(c)):

(i) the home and community-based services (HCS) waiver program; or

(ii) the Texas home living (TxHmL) waiver program; or

1 (B) resides in an ICF-IID facility; and

2 (2) continues to meet the functional and diagnostic  
3 criteria for the receipt of services under a program described by  
4 Subdivision (1)(A) or for residency in an ICF-IID facility.

5 (b) To continue to be eligible for medical assistance, a  
6 recipient described by Subsection (a) who is determined ineligible  
7 for medical assistance because of an event or circumstance caused  
8 wholly by the action or inaction of the recipient or the recipient's  
9 parent or guardian must submit an application for medical  
10 assistance in accordance with Section 32.025(b) not later than the  
11 90th day after the date on which the recipient is determined  
12 ineligible.

13 (c) The commission may not suspend or terminate the  
14 eligibility of a recipient for medical assistance benefits if the  
15 recipient's ineligibility is caused partly or wholly by a technical  
16 or clerical error committed by the commission or an agent of the  
17 commission.

18 (d) The commission shall:

19 (1) coordinate with and inform relevant health care  
20 providers if a recipient described by Subsection (a) is at risk of  
21 being determined ineligible for medical assistance benefits or is  
22 determined ineligible for those benefits; and

23 (2) make reasonable efforts to ensure the medical  
24 assistance benefits of a recipient described by Subsection (a) are  
25 not suspended or terminated.

26 (e) Not later than December 31 of each year, the commission  
27 shall prepare and submit a report to the legislature regarding the

1 suspension or termination of medical assistance benefits of  
2 recipients described by Subsection (a) that occurred during the  
3 preceding state fiscal year. The report must include:

4 (1) the number of recipients who are living in a  
5 community-based, residential setting whose eligibility for  
6 benefits was suspended or terminated during each month of the  
7 fiscal year;

8 (2) if the commission reinstated the benefits of a  
9 recipient, the average, median, shortest, and longest length of  
10 time the commission took to reinstate those benefits;

11 (3) the number of recipients whose benefits were not  
12 reinstated by the commission;

13 (4) the specific reason for the suspension or  
14 termination of benefits of a recipient, including an analysis of  
15 the percentage of suspensions or terminations related to:

16 (A) an increase in the recipient's income;

17 (B) a failure by the recipient or the recipient's  
18 parent or guardian to properly submit a renewal application or  
19 other document required for benefits renewal;

20 (C) a change in the recipient's condition that  
21 results in the recipient no longer meeting the functional or  
22 diagnostic criteria necessary to establish the recipient's  
23 eligibility for services under a program described by Subsection  
24 (a)(1)(A) or for residency in an ICF-IID facility;

25 (D) a technical or clerical error committed by  
26 the commission or an agent of the commission; and

27 (E) any other reason that occurs with enough

1 frequency to warrant its inclusion in the analysis, as determined  
2 by the commission; and

3 (5) a statement of the amount of retroactive  
4 reimbursements paid to health care providers for the provision of  
5 services to a recipient during the time the recipient's eligibility  
6 for benefits was suspended or terminated.

7 SECTION 2. Section 3, Chapter 1072 (H.B. 3292), Acts of the  
8 85th Legislature, Regular Session, 2017, is repealed.

9 SECTION 3. Notwithstanding Section 32.0256(e), Human  
10 Resources Code, as added by this Act, the Health and Human Services  
11 Commission shall ensure that the initial report required under that  
12 subsection includes a description of the number of recipients  
13 described by Section 32.0256(a), Human Resources Code, as amended  
14 by this Act, who are living in a community-based, residential  
15 setting and whose eligibility for benefits was suspended or  
16 terminated during each month of the state fiscal years ending  
17 August 31, 2016, August 31, 2017, and August 31, 2018.

18 SECTION 4. If before implementing any provision of this Act  
19 a state agency determines that a waiver or authorization from a  
20 federal agency is necessary for implementation of that provision,  
21 the agency affected by the provision shall request the waiver or  
22 authorization and may delay implementing that provision until the  
23 waiver or authorization is granted.

24 SECTION 5. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2019.