

By: Paxton

S.B. No. 1493

A BILL TO BE ENTITLED

AN ACT

relating to the provision of Medicaid benefits to certain children adopted from 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 eligible for and not receiving 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. POST-ADOPTION MEDICAID BENEFITS FOR CERTAIN CHILDREN FORMERLY IN FOSTER CARE. (a) This section applies only with respect to an adopted child who:

(1) is younger than 18 years of age; and

(2) was in the conservatorship of the Department of

1 Family and Protective Services at the time the child was adopted.

2 (b) To the extent permitted by federal law, the commission,
3 in consultation with the Department of Family and Protective
4 Services, shall develop and implement a program that allows the
5 adoptive parent of a child described by Subsection (a), regardless
6 of the income or resources of the parent, to elect on behalf of the
7 child to receive or, if applicable, continue receiving benefits:

8 (1) under the STAR Health program; or

9 (2) if the child has a severe disability, as defined by
10 commission rule, under the STAR Kids managed care program.

11 (c) The program required by this section must:

12 (1) ensure each child receives benefits under the STAR
13 Health program that are comparable to the benefits the child would
14 have received had the child remained in the conservatorship of the
15 Department of Family and Protective Services; and

16 (2) protect the continuity of care for each child and,
17 if applicable, ensure coordination between the STAR Health program
18 and the STAR Kids managed care program for each child with a severe
19 disability who is transitioning between the programs.

20 (d) The executive commissioner shall adopt rules necessary
21 to implement this section.

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 Section 162.304(f), Family Code, is repealed.

23 SECTION 4. As soon as possible after the effective date of
24 this Act, the Health and Human Services Commission shall apply for
25 and actively pursue from the federal Centers for Medicare and
26 Medicaid Services or other appropriate federal agency any waiver or
27 other authorization necessary to implement Section 533.00531,

1 Government Code, as added by this Act. The commission may delay
2 implementing this Act until the waiver or authorization is granted.

3 SECTION 5. This Act takes effect September 1, 2019.