

SENATE AMENDMENTS

2nd Printing

By: White, Howard, Wu, Meza, et al.

H.B. No. 72

A BILL TO BE ENTITLED

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. This Act takes effect September 1, 2019.

ADOPTED

MAY 20 2019

Letay Graw
Secretary of the Senate

By: White / Paxton

____.B. No. ____

Substitute the following for ____B. No. ____:

By: Charles Perry

C.S. 14.B. No. 72

A BILL TO BE ENTITLED

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

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

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

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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 receiving ~~[eligible~~
15 ~~for]~~ medical assistance under Chapter 32, Human Resources Code; and

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

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

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

22 (1) resides in this state; and

23 (2) is eligible for assistance or services under:

24 (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.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 21, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB72 by White (Relating to the provision of Medicaid benefits to certain children formerly in the conservatorship of the Department of Family and Protective Services.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated. Additional costs relating to a health benefit subsidy to be paid on behalf of certain adopted children who are eligible for Medicaid but not receiving benefits cannot be determined as the number of children eligible for, but not receiving, Medicaid is unknown.

The agency is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agency may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

Based on the LBB's analysis of the Health and Human Services Commission (HHSC) and the Department of Family and Protective Services (DFPS), duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would require the Department of Family and Protective Services (DFPS), subject to the availability of funds, to provide health benefit subsidies on behalf of adopted children who were in the conservatorship of DFPS at the time of the adoptive placement and who are eligible for Medicaid but not receiving benefits. According to DFPS, the number of children eligible for, but not receiving, Medicaid is unknown; therefore, the cost to provide a \$150 subsidy on behalf of those children cannot be determined.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

LBB Staff: WP, SD, AKi, EP, MDI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 16, 2019

TO: Honorable Lois W. Kolhorst, Chair, Senate Committee on Health & Human Services

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB72 by White (Relating to the provision of Medicaid benefits to certain children formerly in the conservatorship of the Department of Family and Protective Services.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated. Additional costs relating to a health benefit subsidy to be paid on behalf of certain adopted children who are eligible for Medicaid but not receiving benefits cannot be determined as the number of children eligible for, but not receiving, Medicaid is unknown.

The agency is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agency may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

Based on the LBB's analysis of the Health and Human Services Commission (HHSC) and the Department of Family and Protective Services (DFPS), duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would require the Department of Family and Protective Services (DFPS), subject to the availability of funds, to provide health benefit subsidies on behalf of adopted children who were in the conservatorship of DFPS at the time of the adoptive placement and who are eligible for Medicaid but not receiving benefits. According to DFPS, the number of children eligible for, but not receiving, Medicaid is unknown; therefore, the cost to provide a \$150 subsidy on behalf of those children cannot be determined.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

LBB Staff: WP, AKi, EP, MDI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 3, 2019

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB72 by White (Relating to the provision of Medicaid benefits to certain children formerly in the conservatorship of the Department of Family and Protective Services.), **As Engrossed**

No significant fiscal implication to the State is anticipated. Additional costs relating to a health benefit subsidy to be paid on behalf of certain adopted children who are eligible for Medicaid but not receiving benefits cannot be determined as the number of children eligible for, but not receiving, Medicaid is unknown.

Based on the LBB's analysis of the Health and Human Services Commission (HHSC) and the Department of Family and Protective Services (DFPS), duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would require the Department of Family and Protective Services (DFPS), subject to the availability of funds, to provide health benefit subsidies on behalf of adopted children who were in the conservatorship of DFPS at the time of the adoptive placement and who are eligible for Medicaid but not receiving benefits. According to DFPS, the number of children eligible for, but not receiving, Medicaid is unknown; therefore, the cost to provide a \$150 subsidy on behalf of those children cannot be determined.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

LBB Staff: WP, AKi, EP, MDI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 7, 2019

TO: Honorable James B. Frank, Chair, House Committee on Human Services

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB72** by White (Relating to the provision of Medicaid benefits to certain children formerly in the conservatorship of the Department of Family and Protective Services.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated. Additional costs relating to a health benefit subsidy to be paid on behalf of certain adopted children who are eligible for Medicaid but not receiving benefits cannot be determined as the number of children eligible for, but not receiving, Medicaid is unknown.

Based on the LBB's analysis of the Health and Human Services Commission (HHSC) and the Department of Family and Protective Services (DFPS), duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would require the Department of Family and Protective Services (DFPS), subject to the availability of funds, to provide health benefit subsidies on behalf of adopted children who were in the conservatorship of DFPS at the time of the adoptive placement and who are eligible for Medicaid but not receiving benefits. According to DFPS, the number of children eligible for, but not receiving, Medicaid is unknown; therefore, the cost to provide a \$150 subsidy on behalf of those children cannot be determined.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

LBB Staff: WP, AKi, EP, MDI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

February 23, 2019

TO: Honorable James B. Frank, Chair, House Committee on Human Services

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB72 by White (Relating to the continuation of Medicaid benefits provided to certain children adopted from the conservatorship of the Department of Family and Protective Services.), **As Introduced**

The fiscal implications of the bill cannot be determined at this time but a significant cost to General Revenue Funds would be expected. Insufficient information is available to determine how many children might be eligible for the benefits identified in the bill.

The bill would require the Department of Family and Protective Services (DFPS), subject to the availability of funds, to provide health benefit subsidies on behalf of adopted children who were in the conservatorship of DFPS at the time of the adoptive placement and who are eligible for Medicaid but not receiving benefits. According to DFPS, the number of children eligible for, but not receiving, Medicaid is unknown; therefore, the cost to provide a \$150 subsidy on behalf of those children cannot be determined.

The bill would also require the Health and Human Services Commission (HHSC) to develop and implement a program that would allow adopted children with chronic health conditions who were in the conservatorship of DFPS at the time of the adoptive placement, to continue receiving Medicaid benefits under STAR Health or another Medicaid managed care program. According to HHSC, the number of children with a chronic condition not currently receiving Medicaid is unknown; therefore, the cost to provide Medicaid benefits to those children cannot be determined. The fiscal year 2019 STAR Health premium, including pharmacy benefits, is \$880.57 for an annual cost per child enrolled of \$10,567. The cost of benefits for even a small number of children would be significant, with additional administrative and technology costs associated with adding a new enrollment group and increased enrollment.

Additionally, the bill could be interpreted as allowing children currently receiving Medicaid to receive benefits through STAR Health instead of another managed care program, which could increase costs for those children due to higher service coordination costs in STAR Health. There are currently more than 50,000 children who are receiving adoption assistance enrolled in Medicaid. At a monthly cost of \$20 for increased service coordination, if all of those children opted into STAR Health the All Funds cost would exceed \$12.0 million each year.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

LBB Staff: WP, AKi, LR