

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1664
By: White; Guillen (Eckhardt)
Health & Human Services
5/21/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

While federal Medicaid regulations generally prohibit incarcerated individuals from receiving coverage, there is an inpatient exception under which an inmate's inpatient stay at a qualifying medical institution may be covered by Medicaid. Under this exception, the state has used Medicaid dollars to pay for inpatient stays for pregnant women and children in the care of the Texas Department of Criminal Justice. However, the state Medicaid plan does not currently allow Medicaid dollars to be used to pay for inpatient stays for juveniles placed in a juvenile facility. H.B. 1664 seeks to remedy this issue and save taxpayer dollars by requiring that Medicaid coverage be reinstated for a child in a juvenile facility during an inpatient stay at a medical facility.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 1664 amends current law relating to the reinstatement of eligibility for medical assistance of certain children placed in juvenile facilities.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 32.0264, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 32.0264, Human Resources Code, to read as follows:

Sec. 32.0264. SUSPENSION AND REINSTATEMENT OF ELIGIBILITY FOR CHILDREN IN JUVENILE FACILITIES.

SECTION 2. Amends Section 32.0264, Human Resources Code, by adding Subsection (b-1), as follows:

(b-1) Requires the Health and Human Services Commission (HHSC), notwithstanding Subsection (b) (relating to requiring HHSC, to the extent allowed under federal law, if a child is placed in a juvenile facility, to suspend the child's eligibility for medical assistance during the period the child is placed in the facility), if, during the period a child is placed in a juvenile facility, the child is hospitalized or becomes an inpatient in another type of medical facility, to reinstate the child's eligibility for medical assistance during the period of the child's inpatient stay. Requires the executive commissioner of HHSC to adopt rules necessary to implement this subsection, including rules governing the procedure for reinstating a child's eligibility for medical assistance under this subsection.

SECTION 3. Authorizes HHSC, if before implementing Section 32.0264(b-1), Human Resources Code, as added by this Act, HHSC determines that a memorandum of understanding between HHSC and the Texas Juvenile Justice Department or the adoption of policies or procedures is necessary for implementation of that provision, to delay implementing that provision until the earlier of:

(1) the date any necessary memorandum of understanding, policies, and procedures are adopted; or

(2) March 1, 2022.

SECTION 4. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such a waiver or authorization is granted.

SECTION 5. Effective date: September 1, 2021.