

BILL ANALYSIS

C.S.H.B. 4343
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The legislature recently required the Health and Human Services Commission (HHSC) to amend the Medicaid application to allow applicants to indicate their preferred method of contact. Subsequently, HHSC determined that the prescribed application language did not inform applicants about the privacy and security risks of electronic communication and concluded that managed care organizations would be required to contact recipients to explain the risks and to document if the recipient had accepted and provided informed consent of such risks. This negated the purpose of the original legislation, which was to capture a preferred method of contact. Medicaid recipients are often difficult to reach by phone to gain their informed consent so this practice creates a barrier to communicating through a recipient's preferred method. C.S.H.B. 4343 seeks to address this issue by requiring that the application form capture applicants' preferred contact methods while also informing applicants of security risks when using electronic contact methods.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4343 amends the Human Resources Code to revise the required contents of the Medicaid application form, including a renewal form, to do the following:

- remove prescribed language regarding the applicant's preferred method of being contacted by their managed care organization (MCO) or health plan provider while retaining the underlying requirement for the form to give the applicant the option to be contacted by telephone, text message, or email about health care matters and to inform the applicant that their preference will be shared with their MCO or health plan provider;
- require the form to include language that notifies the applicant how the contact methods will be shared and allows the applicant to consent to being contacted through the preferred contact methods by their MCO or health plan provider;
- require the form to include language that explains the security risks of electronic communication; and
- clarify that the question regarding preferred method of contact applies for all applicants.

The bill requires the executive commissioner of the Health and Human Services Commission (HHSC), not later than January 1, 2022, to adopt a revised application form that complies with the revised content requirements.

C.S.H.B. 4343 requires HHSC to implement a process to do the following:

- transmit an applicant's preferred contact methods and consent to their MCO or health plan provider;
- allow an applicant to change their preferences in the future, including providing for an option to opt out of electronic communication; and
- communicate updated information to the applicable MCO or health plan provider.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4343 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The original retained the prescribed language that must be included on a Medicaid application form regarding preferred method of contact but amended that language to include additional language regarding the risk of electronic communication. The substitute instead removes the prescribed language while retaining the underlying requirement to ask for a preferred method of contact and the additional requirement from the original to explain the security risks of electronic communication. The substitute further revises the required contents of the form to require language be included that allows an applicant to consent to being contacted through their preferred contact method by their MCO or health plan provider.

The substitute includes provisions not in the original that do the following:

- make the content requirements for a Medicaid application form regarding pregnancy and preferred method of contact applicable also to a renewal form; and
- require HHSC to implement a process to:
 - transmit an applicant's preferred contact methods and consent to their MCO or health plan provider;
 - allow an applicant to change their preferences in the future; and
 - communicate updated information to the MCO or health plan provider.