

BILL ANALYSIS

Senate Research Center
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S.B. 1341
By: Springer
Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Department of Health and Human Services (DSHS) offers multiple means-tested public assistance benefits, including cash welfare, food stamps, and Medicaid. Eligibility for benefits administered under each program is different. However, changes in circumstances like variation in income, death, lottery winnings, and moving out-of-state affect eligibility in each program.

State agencies in Texas collect and maintain data sets directly relevant to these eligibility factors in public assistance programs. DSHS is not required to cross-check these data sets to ensure eligibility regularly. This bill seeks to create such regular and thorough data cross-checks between state agencies. It will also require DSHS to verify Medicaid eligibility for individuals enrolling through a federal exchange. These efforts will leverage existing state efforts, decrease welfare dependency, and save limited resources for the truly needy who are eligible to receive these benefits.

As proposed, S.B. 1341 amends current law relating to eligibility for certain benefits provided under public assistance programs.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 531.1081, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 531, Government Code, by adding Section 531.1081, as follows:

Sec. 531.1081. INTEGRITY OF CERTAIN PUBLIC ASSISTANCE PROGRAMS. (a) Defines "financial assistance benefits" and "supplemental nutrition assistance benefits."

(b) Requires the Health and Human Services Commission (HHSC), to the extent not otherwise provided by Subtitle I (Health and Human Services) or Title 2 (Human Services and Protective Services in General), Human Resources Code, to develop and implement, in accordance with this section, methods for reducing abuse, fraud, and waste in public assistance programs.

(c) Requires HHSC, on a monthly basis, to:

(1) conduct electronic data matches with the Texas Lottery Commission to determine if a recipient of supplemental nutrition assistance benefits or a recipient's household member received reportable lottery winnings;

(2) use the database system developed under Section 531.0214 (Medicaid Data Collection System) to match vital statistics unit death records with a list of individuals eligible for financial assistance or supplemental nutrition assistance benefits, and ensure that any individual receiving assistance under either program who is discovered deceased has their eligibility for assistance promptly terminated; and

(3) review the out-of-state electronic benefit transfer card transactions made by a recipient of supplemental nutrition assistance benefits to determine whether those transactions indicate a possible change in the recipient's residence.

(d) Requires HHSC to immediately review the eligibility of a recipient of public assistance benefits if HHSC discovers information under this section that affects the recipient's eligibility.

(e) Provides that a recipient who fails to disclose lottery winnings that are required to be reported to HHSC under a public assistance program presumptively commits a program violation.

(f) Requires the executive commissioner of HHSC (executive commissioner) to adopt rules necessary to implement this section.

SECTION 2. Amends Section 531.110, Government Code, by amending Subsections (a), (b), and (e) and adding Subsections (a-1) and (c-1), as follows:

(a) Provides that, in Section 531.110 (Electronic Data Matching Program), "public assistance program" includes Medicaid, the financial assistance program under Chapter 31 (Financial Assistance and Service Programs), Human Resources Code, and a nutritional assistance program under Chapter 33 (Nutritional Assistance Programs), Human Resources Code, including the supplemental nutrition assistance program under that chapter.

(a-1) Creates this subsection from existing text. Requires HHSC to conduct electronic data matches for a recipient of benefits under a public assistance program, rather than a recipient of Medicaid, at least quarterly to verify the identity, income, employment status, and other factors that affect the eligibility of the recipient.

(b) Requires that the electronic data matching, to verify eligibility of a recipient of public assistance program benefits, rather than to verify eligibility of a recipient for Medicaid, to match information provided by the recipient with information contained in databases maintained by appropriate federal and state agencies.

(c-1) Requires HHSC to enter into a memorandum of understanding with each state agency from which data is required to conduct electronic data matches under this section and Section 531.1081.

(e) Requires HHSC, not later than the 20th day after the date the electronic data match is verified, to remove from eligibility a recipient who is determined to be ineligible for a public assistance program, rather than ineligible for Medicaid.

SECTION 3. Amends Subchapter B, Chapter 32, Human Resources Code, by adding Section 32.026101, as follows:

Sec. 32.026101. DETERMINATION OF ELIGIBILITY BY HEALTH CARE EXCHANGES PROHIBITED. (a) Prohibits HHSC from accepting Medicaid eligibility determinations from an exchange established under 42 U.S.C. Section 18041(c).

(b) Provides that HHSC is authorized to accept eligibility assessments from an exchange, but HHSC is required to determine the eligibility of an individual for Medicaid.

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 a delay of implementation until such a waiver or authorization is granted.

SECTION 5. Effective date: September 1, 2021.