

## **BILL ANALYSIS**

Senate Research Center

S.B. 1911  
By: Blanco  
Health & Human Services  
6/7/2021  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In the 85th Legislature, H.B. 2466 required the Health and Human Services Commission (HHSC) to amend the Medicaid application to allow Medicaid applicants to indicate their preferred contact methods. The application explains these preferences would be shared with the managed care organizations (MCOs).

There are concerns that the newly added application language did not inform applicants about the privacy and security risks of texts and e-mails, and that MCOs would be required to contact the Medicaid member to explain the risks and to document the Medicaid member had accepted the risk. This requirement to contact the Medicaid member negated the purpose of H.B. 2466, which was to capture the Medicaid member's contact preferred methods when the member applied for Medicaid benefits. Medicaid members are often difficult to reach by phone to gain their informed consent, and this new requirement creates a barrier to texting and e-mailing Medicaid members.

S.B. 1911 requires HHSC to add language to Medicaid applications to inform applicants of privacy and security risks associated with e-mail and text messages and get their consent to the use of these methods of electronic communication.

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

S.B. 1911 amends current law relating to the content of an application for Medicaid.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 32.025, Human Resources Code, by amending Subsection (g) and adding Subsection (h), as follows:

(g) Requires that the application form, including a renewal form, adopted under Section 32.025 (Application for Medical Assistance) include:

(1) makes a nonsubstantive change to this subdivision;

(2) for all applicants, a question regarding the applicant's preferences for being contacted by a managed care organization or health plan provider that provides the applicant with the option to be contacted by telephone, text message, or e-mail about health care matters, including reminders for appointments and information about immunizations or well check visits; and

(3) language that:

(A) notifies the applicant that, if determined eligible for benefits, all preferred contact methods listed on the application and renewal forms will

be shared with the applicant's managed care organization or health plan provider;

(B) allows the applicant to consent to being contacted through the preferred contact methods by the applicant's managed care organization or health plan provider; and

(C) explains the security risks of electronic communication.

Deletes existing text requiring that the application form adopted under this section include a certain question regarding the applicant's preferred method for being contacted. Deletes existing text setting forth the required text of the form. Makes nonsubstantive changes.

(h) Requires the Health and Human Services Commission (HHSC), for purposes of Subsections (g)(2) and (3), to implement a process to:

(1) transmit the applicant's preferred contact methods and consent to the managed care organization or health plan provider;

(2) allow an applicant to change the applicant's preferences in the future, including providing for an option to opt out of electronic communication; and

(3) communicate updated information to the managed care organization or health plan provider.

SECTION 2. Requires the executive commissioner of HHSC, not later than January 1, 2022, to adopt a revised application form for medical assistance benefits that conforms to the requirements of Section 32.025(g), Human Resources Code, as amended by this Act.

SECTION 3. 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 4. Effective date: upon passage or September 1, 2021.