S.B. No. 1059

AN ACT

relating to the process for determining the Medicaid eligibility of certain former foster care youth.

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

SECTION 1.  Sections 32.0247(e) and (f), Human Resources Code, are amended to read as follows:

(e)  The Department of Family and Protective Services shall certify the income, assets, or resources of each individual on the date the individual exits substitute care.  An individual qualifying for medical assistance as established by this section shall remain eligible for the maximum period permitted under federal law before any [~~12 calendar months after certification and after each~~] recertification is required.

(f)  If recertification is required, the [~~The~~] recertification process for individuals who are eligible for medical assistance under this section must:

(1)  comply with Section 32.024715; and

(2)  [~~shall~~] include the option of recertifying online or by mail or phone.

SECTION 2.  Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.024715 to read as follows:

Sec. 32.024715.  STREAMLINED ELIGIBILITY DETERMINATION PROCESS FOR CERTAIN FORMER FOSTER CARE YOUTH. (a) This section applies to a former foster care youth who is eligible for Medicaid under Section 1902(a)(10)(A)(i)(IX), Social Security Act (42 U.S.C. Section 1396a(a)(10)(A)(i)(IX)), or any other law.

(b)  The commission, in consultation with the Department of Family and Protective Services, shall design and implement a streamlined process for determining a former foster care youth's eligibility for Medicaid. The streamlined process must:

(1)  provide for the automatic enrollment and recertification of a former foster care youth in the STAR Health program, the STAR Medicaid managed care program, or another Medicaid program, as appropriate;

(2)  be designed to prevent any unnecessary interruption of the youth's Medicaid benefits, including any interruption related to having to recertify the youth for benefits; and

(3)  if recertification is required under federal law, use a simple application and recertification process that:

(A)  to the extent permitted by federal law, does not require that a youth verify that the youth is a resident of this state unless the commission determines that the youth is receiving Medicaid benefits outside of this state; or

(B)  if federal law requires that a youth verify that the youth is a resident of this state, allows the youth to attest to that fact without providing additional documentation or evidence that proves the youth is a resident of this state.

SECTION 3.  The changes in law made by this Act apply to an initial determination or recertification of eligibility of a person for medical assistance under Chapter 32, Human Resources Code, made on or after the effective date of this Act, regardless of the date the person applied for that assistance.

SECTION 4.  If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 5.  The Department of Family and Protective Services and the Health and Human Services Commission are required to implement this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the department and the commission may, but are not required to, implement this Act using other appropriations available for the purpose.

SECTION 6.  This Act takes effect September 1, 2021.

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I hereby certify that S.B. No. 1059 passed the Senate on May 13, 2021, by the following vote:  Yeas 30, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 1059 passed the House on May 26, 2021, by the following vote:  Yeas 137, Nays 10, one present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_             Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor