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H.B. No. 290

A BILL TO BE ENTITLED

AN ACT

relating to the period of continuous eligibility and a periodic  
eligibility review for a child for Medicaid.

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

SECTION 1. Section 32.0261, Human Resources Code, is  
amended to read as follows:

Sec. 32.0261. CONTINUOUS ELIGIBILITY. (a) This section  
applies only to a child younger than 19 years of age who is  
determined eligible for medical assistance under this chapter.

(b) The executive commissioner shall adopt rules in  
accordance with 42 U.S.C. Section 1396a(e)(12), as amended, to  
provide for two consecutive periods [a period] of continuous  
eligibility for a child between each certification and  
recertification of the child's eligibility, subject to Subsections  
(e) and (g) [under 19 years of age who is determined to be eligible  
for medical assistance under this chapter].

(c) A [The rules shall provide that the] child remains  
eligible for medical assistance during the first of the two  
consecutive periods of continuous eligibility, without additional  
review by the commission and regardless of changes in the child's  
household [resources or] income, until [the earlier of:

(1)] the end of the six-month period following the  
date on which the child's eligibility was determined, except as  
provided by Subsections (e)(1) and (g) [, or

1           ~~[(2) the child's 19th birthday].~~

2           (d) During the sixth month following the date on which a  
3 child's eligibility for medical assistance is certified or  
4 recertified, the commission shall, in a manner that complies with  
5 federal law, including verification plan requirements under 42  
6 C.F.R. Section 435.945(j), review the child's household income  
7 using electronic income data available to the commission. Based on  
8 the review:

9           (1) the commission shall, if the review indicates that  
10 the child's household income does not exceed the maximum income for  
11 eligibility for the medical assistance program, provide for a  
12 second consecutive period of continuous eligibility for the child  
13 until the child's required annual recertification, except as  
14 provided by Subsection (g); or

15           (2) the commission may, if the review indicates that  
16 the child's household income exceeds the maximum income for  
17 eligibility for the medical assistance program, request additional  
18 documentation to verify the child's household income in a manner  
19 that complies with federal law.

20           (e) If, after reviewing a child's household income under  
21 Subsection (d), the commission determines that the household income  
22 exceeds the maximum income for eligibility for the medical  
23 assistance program, the commission shall continue to provide  
24 medical assistance to the child until:

25           (1) the commission provides the child's parent or  
26 guardian with a period of not less than 30 days to provide  
27 documentation demonstrating that the child's household income does

1 not exceed the maximum income for eligibility; and

2 (2) the child's parent or guardian fails to provide the  
3 documentation during the period described by Subdivision (1).

4 (f) If a child's parent or guardian provides to the  
5 commission within the period described by Subsection (e)  
6 documentation demonstrating that the child's household income does  
7 not exceed the maximum income for eligibility for the medical  
8 assistance program, the commission shall provide for a second  
9 consecutive period of continuous eligibility for the child until  
10 the child's required annual recertification, except as provided by  
11 Subsection (g).

12 (g) Notwithstanding any other period prescribed by this  
13 section, a child's period of continuous eligibility for medical  
14 assistance ends on the child's 19th birthday.

15 (h) The commission may not recertify a child's eligibility  
16 for medical assistance more frequently than every 12 months as  
17 required by federal law.

18 (i) If a child's parent or guardian fails to provide to the  
19 commission within the period described by Subsection (e)  
20 documentation demonstrating that the child's household income does  
21 not exceed the maximum income for eligibility for the medical  
22 assistance program, the commission shall provide the child's parent  
23 or guardian with written notice of termination following that  
24 period. The notice must include a statement that the child may be  
25 eligible for enrollment in the child health plan under Chapter 62,  
26 Health and Safety Code.

27 (j) In developing the notice, the commission shall consult

1 with health care providers, children's health care advocates,  
2 family members of children enrolled in the medical assistance  
3 program, and other stakeholders to determine the most user-friendly  
4 method to provide the notice to a child's parent or guardian.

5 (k) The executive commissioner may adopt rules as necessary  
6 to implement this section.

7 SECTION 2. If before implementing any provision of this Act  
8 a state agency determines that a waiver or authorization from a  
9 federal agency is necessary for implementation of that provision,  
10 the agency affected by the provision shall request the waiver or  
11 authorization and may delay implementing that provision until the  
12 waiver or authorization is granted.

13 SECTION 3. This Act takes effect September 1, 2021.