

1-1 By: Cortez, et al. H.B. No. 290
1-2 (Senate Sponsor - Kolthorst, et al.)
1-3 (In the Senate - Received from the House April 19, 2021;
1-4 May 18, 2021, read first time and referred to Committee on Health &
1-5 Human Services; May 22, 2021, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-7 May 22, 2021, sent to printer.)

1-8 COMMITTEE VOTE

1-9		Yea	Nay	Absent	PNV
1-10	Kolthorst	X			
1-11	Perry	X			
1-12	Blanco	X			
1-13	Buckingham	X			
1-14	Campbell	X			
1-15	Hall	X			
1-16	Miles	X			
1-17	Powell	X			
1-18	Seliger	X			

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 290 By: Blanco

1-20 A BILL TO BE ENTITLED
1-21 AN ACT

1-22 relating to the period of continuous eligibility and a periodic
1-23 eligibility review for a child for Medicaid.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section [32.0261](#), Human Resources Code, is
1-26 amended to read as follows:

1-27 Sec. 32.0261. CONTINUOUS ELIGIBILITY. (a) This section
1-28 applies only to a child younger than 19 years of age who is
1-29 determined eligible for medical assistance under this chapter.

1-30 (b) The executive commissioner shall adopt rules in
1-31 accordance with 42 U.S.C. Section 1396a(e)(12), as amended, to
1-32 provide for two consecutive periods of [a period of continuous]
1-33 eligibility for a child between each certification and
1-34 recertification of the child's eligibility, subject to Subsections
1-35 (f) and (h) [under 19 years of age who is determined to be eligible
1-36 for medical assistance under this chapter].

1-37 (c) The first of the two consecutive periods of eligibility
1-38 described by Subsection (b) must be continuous in accordance with
1-39 Subsection (d). The second of the two consecutive periods of
1-40 eligibility is not continuous and may be affected by changes in a
1-41 child's household income, regardless of whether those changes
1-42 occurred or whether the commission became aware of the changes
1-43 during the first or second of the two consecutive periods of
1-44 eligibility.

1-45 (d) A [The rules shall provide that the] child remains
1-46 eligible for medical assistance during the first of the two
1-47 consecutive periods of eligibility, without additional review by
1-48 the commission and regardless of changes in the child's household
1-49 [resources or] income, until [the earlier of:

1-50 [~~(1)~~] the end of the six-month period following the
1-51 date on which the child's eligibility was determined, except as
1-52 provided by Subsections (f)(1) and (h) [~~, or~~

1-53 [~~(2) the child's 19th birthday].~~

1-54 (e) During the sixth month following the date on which a
1-55 child's eligibility for medical assistance is certified or
1-56 recertified, the commission shall, in a manner that complies with
1-57 federal law, including verification plan requirements under 42
1-58 C.F.R. Section 435.945(j), review the child's household income
1-59 using electronic income data available to the commission. The
1-60 commission may conduct this review only once during the child's two

2-1 consecutive periods of eligibility. Based on the review:

2-2 (1) the commission shall, if the review indicates that
2-3 the child's household income does not exceed the maximum income for
2-4 eligibility for the medical assistance program, provide for a
2-5 second consecutive period of eligibility for the child until the
2-6 child's required annual recertification, except as provided by
2-7 Subsection (h) and subject to Subsection (c); or

2-8 (2) the commission may, if the review indicates that
2-9 the child's household income exceeds the maximum income for
2-10 eligibility for the medical assistance program, request additional
2-11 documentation to verify the child's household income in a manner
2-12 that complies with federal law.

2-13 (f) If, after reviewing a child's household income under
2-14 Subsection (e), the commission determines that the household income
2-15 exceeds the maximum income for eligibility for the medical
2-16 assistance program, the commission shall continue to provide
2-17 medical assistance to the child until:

2-18 (1) the commission provides the child's parent or
2-19 guardian with a period of not less than 30 days to provide
2-20 documentation demonstrating that the child's household income does
2-21 not exceed the maximum income for eligibility; and

2-22 (2) the child's parent or guardian fails to provide the
2-23 documentation during the period described by Subdivision (1).

2-24 (g) If a child's parent or guardian provides to the
2-25 commission within the period described by Subsection (f)
2-26 documentation demonstrating that the child's household income does
2-27 not exceed the maximum income for eligibility for the medical
2-28 assistance program, the commission shall provide for a second
2-29 consecutive period of eligibility for the child until the child's
2-30 required annual recertification, except as provided by Subsection
2-31 (h) and subject to Subsection (c).

2-32 (h) Notwithstanding any other period prescribed by this
2-33 section, a child's eligibility for medical assistance ends on the
2-34 child's 19th birthday.

2-35 (i) The commission may not recertify a child's eligibility
2-36 for medical assistance more frequently than every 12 months as
2-37 required by federal law.

2-38 (j) If a child's parent or guardian fails to provide to the
2-39 commission within the period described by Subsection (f)
2-40 documentation demonstrating that the child's household income does
2-41 not exceed the maximum income for eligibility for the medical
2-42 assistance program, the commission shall provide the child's parent
2-43 or guardian with written notice of termination following that
2-44 period. The notice must include a statement that the child may be
2-45 eligible for enrollment in the child health plan under Chapter 62,
2-46 Health and Safety Code.

2-47 (k) In developing the notice, the commission shall consult
2-48 with health care providers, children's health care advocates,
2-49 family members of children enrolled in the medical assistance
2-50 program, and other stakeholders to determine the most user-friendly
2-51 method to provide the notice to a child's parent or guardian.

2-52 (l) The executive commissioner may adopt rules as necessary
2-53 to implement this section.

2-54 SECTION 2. If before implementing any provision of this Act
2-55 a state agency determines that a waiver or authorization from a
2-56 federal agency is necessary for implementation of that provision,
2-57 the agency affected by the provision shall request the waiver or
2-58 authorization and may delay implementing that provision until the
2-59 waiver or authorization is granted.

2-60 SECTION 3. This Act takes effect September 1, 2021.

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