

By: Paxton, Miles

S.B. No. 1059

A BILL TO BE ENTITLED

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

1 under Section 1902(a)(10)(A)(i)(IX), Social Security Act (42
2 U.S.C. Section 1396a(a)(10)(A)(i)(IX)), or any other law.

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

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

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

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

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

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

25 SECTION 3. The changes in law made by this Act apply to an
26 initial determination or recertification of eligibility of a person
27 for medical assistance under Chapter 32, Human Resources Code, made

1 on or after the effective date of this Act, regardless of the date
2 the person applied for that assistance.

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

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

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