

By: Springer
(Shaheen)

S.B. No. 1341

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for certain benefits provided under public assistance programs.

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

SECTION 1. Subchapter C, Chapter 531, Government Code, is amended by adding Section 531.1081 to read as follows:

Sec. 531.1081. INTEGRITY OF CERTAIN PUBLIC ASSISTANCE PROGRAMS. (a) In this section:

(1) "Financial assistance benefits" means money payments under the federal Temporary Assistance for Needy Families program operated under Chapter 31, Human Resources Code, or under the state temporary assistance and support services program operated under Chapter 34, Human Resources Code.

(2) "Supplemental nutrition assistance benefits" means money payments under the supplemental nutrition assistance program operated under Chapter 33, Human Resources Code.

(b) To the extent not otherwise provided by this subtitle or Title 2, Human Resources Code, the commission shall develop and implement, in accordance with this section, methods for reducing abuse, fraud, and waste in public assistance programs.

(c) On a monthly basis, the commission shall:

(1) conduct electronic data matches with the Texas Lottery Commission to determine if a recipient of supplemental nutrition assistance benefits or a recipient's household member

1 received reportable lottery winnings;

2 (2) use the database system developed under Section
3 531.0214 to match vital statistics unit death records with a list of
4 individuals eligible for financial assistance or supplemental
5 nutrition assistance benefits, and ensure that any individual
6 receiving assistance under either program who is discovered
7 deceased has their eligibility for assistance promptly terminated;
8 and

9 (3) review the out-of-state electronic benefit
10 transfer card transactions made by a recipient of supplemental
11 nutrition assistance benefits to determine whether those
12 transactions indicate a possible change in the recipient's
13 residence.

14 (d) The commission shall immediately review the eligibility
15 of a recipient of public assistance benefits if the commission
16 discovers information under this section that affects the
17 recipient's eligibility.

18 (e) A recipient who fails to disclose lottery winnings that
19 are required to be reported to the commission under a public
20 assistance program presumptively commits a program violation.

21 (f) The executive commissioner shall adopt rules necessary
22 to implement this section.

23 SECTION 2. Section 531.110, Government Code, is amended by
24 amending Subsections (a), (b), and (e) and adding Subsections (a-1)
25 and (c-1) to read as follows:

26 (a) In this section, "public assistance program" includes:

27 (1) Medicaid;

1 (2) the financial assistance program under Chapter 31,
2 Human Resources Code; and

3 (3) a nutritional assistance program under Chapter 33,
4 Human Resources Code, including the supplemental nutrition
5 assistance program under that chapter.

6 (a-1) The commission shall conduct electronic data matches
7 for a ~~[Medicaid]~~ recipient of benefits under a public assistance
8 program at least quarterly to verify the identity, income,
9 employment status, and other factors that affect the eligibility of
10 the recipient.

11 (b) To verify eligibility of a recipient of public
12 assistance program benefits ~~[for Medicaid]~~, the electronic data
13 matching must match information provided by the recipient with
14 information contained in databases maintained by appropriate
15 federal and state agencies.

16 (c-1) The commission shall enter into a memorandum of
17 understanding with each state agency from which data is required to
18 conduct electronic data matches under this section and Section
19 531.1081.

20 (e) The executive commissioner shall establish procedures
21 by which the commission, or a health and human services agency
22 designated by the commission, verifies the electronic data matches
23 conducted by the commission under this section. Not later than the
24 20th day after the date the electronic data match is verified, the
25 commission shall remove from eligibility a recipient who is
26 determined to be ineligible for a public assistance program
27 ~~[Medicaid]~~.

1 SECTION 3. Subchapter B, Chapter 32, Human Resources Code,
2 is amended by adding Section 32.026101 to read as follows:

3 Sec. 32.026101. DETERMINATION OF ELIGIBILITY BY HEALTH CARE
4 EXCHANGES PROHIBITED. (a) The commission may not accept Medicaid
5 eligibility determinations from an exchange established under 42
6 U.S.C. Section 18041(c).

7 (b) The commission may accept eligibility assessments from
8 an exchange, but the commission must determine the eligibility of
9 an individual for Medicaid.

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

16 SECTION 5. This Act takes effect September 1, 2021.