

BILL ANALYSIS

C.S.H.B. 1599
By: Bucy
Health Care Reform, Select
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Health insurance is critical for ensuring access to health care for Texas children. However, Texas leads the nation in both the number and the rate of uninsured children. Over one in five uninsured children in the country live in Texas. Similarly, Texas holds the distinction of being one of two states with a double-digit rate of uninsured children. Currently, there are just under one million uninsured children in Texas, approximately 400,000 of whom are not enrolled in either program, despite being currently eligible for CHIP or Medicaid. While lawmakers have taken meaningful steps to address bureaucratic barriers to maintaining eligibility and navigating the renewal process once children are enrolled in a health plan, an urgent need remains with regard to initial enrollment. C.S.H.B. 1599 would help address this issue by directing the Health and Human Services Commission to implement an express lane option for determining the eligibility for CHIP or Medicaid of a child who is enrolled in another state public assistance program using already verified eligibility information from the other program.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1599 amends the Health and Safety Code and the Human Resources Code to require the Health and Human Services Commission (HHSC) to establish an express lane option for determining or redetermining a child's eligibility for CHIP or Medicaid under which HHSC may rely on findings made by an express lane agency, including a division of such an agency. The bill defines "express lane agency" as a governmental entity that determines eligibility for assistance under one of the following state public assistance programs and is designated by the executive commissioner of HHSC as capable of making determinations of one or more CHIP or Medicaid eligibility requirements, as applicable:

- CHIP;
- Medicaid;
- TANF;
- nutritional assistance programs, including SNAP; or
- any other such programs identified by HHSC.

The bill requires HHSC to use express lane eligibility to determine a child's eligibility for CHIP or Medicaid by evaluating data received from an applicant under other public assistance programs and requires HHSC to enroll a child in CHIP or Medicaid, as applicable, who is determined to be eligible for the program through the express lane option. The bill conditions

HHSC's duty to enroll an eligible child in the applicable program on the child's parent, legal guardian, or custodial relative affirmatively consenting to the enrollment. The consent must be provided in accordance with identity verification standards HHSC establishes and may be provided orally, by telephone, in writing, or by any other manner HHSC determines appropriate.

C.S.H.B. 1599 requires HHSC and each express lane agency to include in each application for coverage or benefits under a public assistance program, including any online application, and on HHSC's or the agency's website a conspicuous notice clearly explaining the following, as applicable:

- the information disclosed in the application may be used to determine a child's eligibility for CHIP or Medicaid using the express lane option;
- the child's parent, legal guardian, or custodial relative may elect not to have the information disclosed for that purpose; and
- the child's parent, legal guardian, or custodial relative must provide affirmative consent before the child may be enrolled in CHIP or Medicaid using the express lane option.

The bill requires HHSC to provide notice to the parent, legal guardian, or custodial relative of a child determined eligible for CHIP or Medicaid using the express lane option in accordance with federal regulations and authorizes HHSC to provide that notice in a manner HHSC determines appropriate.

C.S.H.B. 1599 provides for the delayed implementation of any provision for which an applicable state agency determines a federal waiver or authorization is necessary for implementation until the waiver or authorization is requested and granted.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1599 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute limits the individuals whose Medicaid eligibility HHSC must determine using the express lane option to a child, whereas the introduced required HHSC to make this determination for a person.

The substitute removes the automatic nature, as included in the introduced, of HHSC's duty to enroll a child in CHIP or Medicaid using the express lane option and instead includes provisions not contained in the introduced conditioning enrollment using that option on the child's parent, legal guardian, or custodial relative consenting to the enrollment.

The substitute contains provisions not in the introduced specifying the manner by which consent is obtained and requiring HHSC and the express lane agency, as applicable, to provide certain notice regarding the use of the express lane option for determining CHIP and Medicaid eligibility.