

BILL ANALYSIS

H.B. 4020
By: Howard
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, inmates in the Texas Department of Criminal Justice are not given notice before their release about the public health benefits that may be available to them. As a result, many leave incarceration without access to health care services despite being eligible to receive those services. H.B. 4020 seeks to ensure that inmates receive benefits under public benefits programs by providing for procedures through which a public benefits application may be filed by an inmate with the Health and Human Services Commission.

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 rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

ANALYSIS

H.B. 4020 amends the Government Code to require the Texas Department of Criminal Justice (TDCJ), at least 45 days but not more than 60 days before an inmate is discharged or released on parole, mandatory supervision, or conditional pardon, to notify the Health and Human Services Commission (HHSC) of the inmate's upcoming discharge or release for purposes of applying for public benefits programs under procedures established under the bill. The bill requires the notice to include the date that the inmate will be discharged or released. The bill requires TDCJ to coordinate with HHSC to determine the method to be used by TDCJ to provide the required notice and the time, place, and manner for providing application assistance and conducting an eligibility interview, as applicable.

H.B. 4020 requires HHSC, in cooperation with TDCJ, to establish the procedure to accept and process an application for public benefits programs submitted by inmates who are confined in a facility operated by or under contract with TDCJ for purposes of providing benefits under a public benefits program to the inmates at the time of discharge or release. The bill requires HHSC, as soon as practicable but not later than the 30th day after receiving a notice from TDCJ of the upcoming discharge or release of an inmate, to assist the inmate in filling out forms and completing the application process and to coordinate with TDCJ to conduct an initial interview or other personal appearance, if applicable. The bill requires HHSC, as soon as practicable but not later than the 30th day after receiving a completed application for a public benefits program for an inmate, to make a determination regarding the inmate's eligibility for benefits at the time of discharge or release. The bill requires HHSC, on determining that an inmate is eligible for benefits under a public benefits program, to begin providing benefits to the inmate at the time of discharge or release. The bill requires HHSC to allow an inmate required to conduct an

interview or otherwise personally appear to establish eligibility for a public benefits program to conduct the interview or appearance using telecommunications or information technology.

H.B. 4020 requires the executive commissioner of HHSC, in consultation with TDCJ, to adopt rules to implement the bill's provisions relating to the procedure for processing applications for public benefits programs submitted by inmates.

H.B. 4020 establishes that for purposes of the bill's provisions, a public benefits program includes:

- Medicaid;
- CHIP;
- the Healthy Texas Women program;
- the family planning program operated by HHSC;
- TANF;
- SNAP; and
- WIC.

H.B. 4020 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

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.