88R10199 BDP-D

By:  Howard, Rose, Guillen, et al. H.B. No. 4020

A BILL TO BE ENTITLED

AN ACT

relating to allowing certain inmates to apply for benefits under certain public benefits programs to be provided at the time of discharge or release.

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

SECTION 1.  Subchapter A, Chapter 501, Government Code, is amended by adding Section 501.0167 to read as follows:

Sec. 501.0167.  NOTICE TO HEALTH AND HUMAN SERVICES COMMISSION REGARDING PUBLIC BENEFITS PROGRAMS. (a) At least 45 days but not more than 60 days before an inmate is discharged or released on parole, mandatory supervision, or conditional pardon, the department shall notify the Health and Human Services Commission of the inmate's upcoming discharge or release for purposes of applying for public benefits programs as provided by Section 531.0241805.

(b)  The notice provided under Subsection (a) must include the date that the inmate will be discharged or released.

(c)  The department shall coordinate with the Health and Human Services Commission to determine:

(1)  the method to be used by the department to provide the notice required under Subsection (a); and

(2)  the time, place, and manner for providing application assistance and conducting an eligibility interview, as applicable.

SECTION 2.  Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0241805 to read as follows:

Sec. 531.0241805.  PUBLIC BENEFITS PROGRAMS APPLICATION PROCEDURE FOR CERTAIN INMATES NEARING ELIGIBILITY FOR DISCHARGE OR RELEASE; TIMING OF BENEFITS. (a) In this section, "public benefits program" includes:

(1)  Medicaid;

(2)  the child health plan program;

(3)  the Healthy Texas Women program operated by the commission that is substantially similar to the demonstration project operated under former Section 32.0248, Human Resources Code, and that is intended to expand access to preventive health and family planning services for women in this state;

(4)  the family planning program operated by the commission that provides health care and core family planning services to individuals in this state;

(5)  the financial assistance program established under Chapter 31, Human Resources Code;

(6)  the supplemental nutrition assistance program as defined by Section 33.0005, Human Resources Code; and

(7)  the federal special supplemental nutrition program for women, infants, and children authorized by 42 U.S.C. Section 1786.

(b)  Subject to Section 531.114(e), Section 33.018, Human Resources Code, and similar law the commission, in cooperation with the Texas Department of Criminal Justice, shall establish a 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 the Texas Department of Criminal Justice for purposes of providing benefits under a public benefits program to the inmates at the time of discharge or release.

(c)  The commission shall as soon as practicable but not later than the 30th day after the commission receives:

(1)  a notice from the Texas Department of Criminal Justice under Section 501.0167 of the upcoming discharge or release of an inmate:

(A)  assist the inmate in filling out forms and completing the application process; and

(B)  subject to Subsection (e) and if required by the law governing the applicable public benefits program, coordinate with the Texas Department of Criminal Justice to conduct an initial interview or other personal appearance; and

(2)  a completed application for a public benefits program for an inmate, make a determination regarding the inmate's eligibility for benefits at the time of discharge or release.

(d)  If the commission determines that an inmate is eligible for benefits under a public benefits program, the commission shall begin providing benefits to the inmate at the time of discharge or release.

(e)  Notwithstanding any other state law and to the extent permitted by federal law, the commission shall 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.

(f)  The executive commissioner, in consultation with the Texas Department of Criminal Justice, shall adopt rules to implement this section.

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

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.