

By: Bucy

H.B. No. 1599

A BILL TO BE ENTITLED

AN ACT

relating to implementation of an express lane option for determining eligibility and enrolling certain individuals in Medicaid or the child health plan program.

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

SECTION 1. Section 62.1011, Health and Safety Code, is amended to read as follows:

Sec. 62.1011. VERIFICATION OF INCOME. (a) Except as provided by Subsection (b) and subject to Subsection (c), the [The] commission shall continue employing methods of verifying the individual incomes of the individuals considered in the calculation of an applicant's household income.

(b) The commission shall verify income under this section unless the applicant reports a household income that exceeds the income eligibility level established under Section 62.101(b).

(c) The commission may verify income using the verification process described in Section 62.1012.

SECTION 2. Subchapter C, Chapter 62, Health and Safety Code, is amended by adding Section 62.1012 to read as follows:

Sec. 62.1012. EXPRESS LANE OPTION ELIGIBILITY; AUTOMATIC ENROLLMENT. (a) In this section:

(1) "Express lane agency" means a governmental entity that:

(A) determines eligibility for assistance under

1 a public assistance program of this state; and

2 (B) is designated by the executive commissioner
3 as capable of making determinations of one or more eligibility
4 requirements under the child health plan program.

5 (2) "Public assistance program" includes:

6 (A) the Medicaid program under Chapter 32, Human
7 Resources Code;

8 (B) the financial assistance program under
9 Chapter 31, Human Resources Code;

10 (C) the nutritional assistance programs under
11 Chapter 33, Human Resources Code, including the supplemental
12 nutrition assistance program under that chapter; and

13 (D) other programs identified by the commission.

14 (b) Notwithstanding any other law and in accordance with
15 Sections 1902(e)(13) and 2107(e)(1)(H) of the Social Security Act
16 (42 U.S.C. Sections 1396a(e)(13) and 1397gg(e)(1)(H)), the
17 commission shall implement an express lane option under which the
18 commission may rely on findings made by an express lane agency,
19 including a division of an express lane agency, in determining a
20 child's eligibility for coverage under the child health plan,
21 including a child's eligibility for reenrollment in the plan. The
22 commission shall use express lane eligibility by evaluating data
23 received from an applicant under other public assistance programs
24 to determine the applicant's eligibility under the child health
25 plan.

26 (c) In accordance with Section 1902(e)(13)(D) of the Social
27 Security Act (42 U.S.C. Section 1396a(e)(13)(D)), the commission

1 shall automatically enroll in the child health plan program a child
2 who is determined to be eligible for the program under this section.

3 SECTION 3. Sections 32.026(e) and (g), Human Resources
4 Code, are amended to read as follows:

5 (e) The executive commissioner shall permit a
6 recertification review of the eligibility and need for medical
7 assistance of a child under 19 years of age to be conducted by
8 telephone or mail instead of through a personal appearance at an
9 office, unless the commission determines that the information
10 needed to verify eligibility cannot be obtained in that manner or
11 may be obtained in the manner specified by Section 32.026102. The
12 executive commissioner by rule may develop procedures to determine
13 whether there is a need for a recertification review of a child
14 described by this subsection to be conducted through a personal
15 interview with a commission representative. Procedures developed
16 under this subsection shall be based on objective, risk-based
17 factors and conditions and shall focus on a targeted group of
18 recertification reviews for which there is a high probability that
19 eligibility will not be recertified.

20 (g) Notwithstanding any other provision of this code, the
21 commission may use information obtained from a third party to
22 verify the assets and resources of a person for purposes of
23 determining the person's eligibility and need for medical
24 assistance to the extent that verification is applicable under
25 federal law. Third-party information includes information
26 obtained from:

27 (1) a consumer reporting agency, as defined by Section

1 20.01, Business & Commerce Code;

2 (2) an appraisal district; ~~[or]~~

3 (3) the Texas Department of Motor Vehicles vehicle
4 registration record database; or

5 (4) an express lane agency described by Section
6 32.026102.

7 SECTION 4. Subchapter B, Chapter 32, Human Resources Code,
8 is amended by adding Section 32.026102 to read as follows:

9 Sec. 32.026102. EXPRESS LANE OPTION; AUTOMATIC ENROLLMENT.

10 (a) In this section:

11 (1) "Express lane agency" means a governmental entity
12 that:

13 (A) determines eligibility for assistance under
14 a public assistance program of this state; and

15 (B) is designated by the executive commissioner
16 as capable of making determinations of one or more eligibility
17 requirements under the medical assistance program.

18 (2) "Public assistance program" includes:

19 (A) the child health plan program under Chapters
20 62 and 63, Health and Safety Code;

21 (B) the financial assistance program under
22 Chapter 31;

23 (C) the nutritional assistance programs under
24 Chapter 33, including the supplemental nutrition assistance
25 program under that chapter; and

26 (D) other programs identified by the commission.

27 (b) Notwithstanding any other law and in accordance with

1 Section 1902(e)(13) of the Social Security Act (42 U.S.C. Section
2 1396a(e)(13)), the commission shall implement an express lane
3 option under which the commission may rely on findings made by an
4 express lane agency, including a division of an express lane
5 agency, in determining a person's eligibility for medical
6 assistance, including the recertification of a person's
7 eligibility for medical assistance benefits. The commission shall
8 use express lane eligibility by evaluating data received from an
9 applicant under other public assistance programs to determine the
10 applicant's eligibility under the medical assistance program.

11 (c) In accordance with Section 1902(e)(13)(D) of the Social
12 Security Act (42 U.S.C. Section 1396a(e)(13)(D)), the commission
13 shall automatically enroll in the medical assistance program a
14 person who is determined to be eligible for the program under this
15 section.

16 SECTION 5. If before implementing any provision of this Act
17 a state agency determines that a waiver or authorization from a
18 federal agency is necessary for implementation of that provision,
19 the agency affected by the provision shall request the waiver or
20 authorization and may delay implementing that provision until the
21 waiver or authorization is granted.

22 SECTION 6. This Act takes effect September 1, 2023.