

By: Howard, Garcia, Thompson of Harris,
et al.

H.B. No. 4366

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility for and provision of benefits under Medicaid or the child health plan program for certain individuals committed, placed, or detained in certain facilities and settings.

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

SECTION 1. The heading to Section 531.02418, Government Code, is amended to read as follows:

Sec. 531.02418. MEDICAID AND CHILD HEALTH PLAN PROGRAM ELIGIBILITY DETERMINATIONS AND BENEFITS FOR CERTAIN INDIVIDUALS; ANNUAL REPORT.

SECTION 2. Section 531.02418, Government Code, is amended by amending Subsections (a) and (d) and adding Subsection (f) to read as follows:

(a) Notwithstanding any other law and to the extent permitted by federal law, the [The] commission shall enter into a memorandum of understanding with the Texas Juvenile Justice Department and the Department of Family and Protective Services to ensure that each individual who is committed, placed, or detained under Title 3, Family Code, is assessed by the commission for eligibility for Medicaid, including the STAR Health managed care program, and the child health plan program before that individual's release from commitment, placement, or detention. Local juvenile probation departments are subject to the requirements of the memorandum.

(d) The memorandum of understanding required by Subsection (a) must require ~~[be tailored to achieve the goal of ensuring]~~ that:

(1) an individual described by Subsection (a) who is determined eligible by the commission for coverage under Medicaid, including the STAR Health managed care program, or the child health plan program:

(A) be ~~[is]~~ enrolled in the program for which the individual is eligible; and

(B) [may] ~~[may]~~ begin receiving services, including telehealth and telemedicine medical services, through the program as soon as possible after the eligibility determination is made;

(2) the Texas Juvenile Justice Department, using available resources, assist the individual with accessing telehealth services or telemedicine medical services, including mental health and behavioral health services, through the program in which the individual is enrolled; and

(3) the Texas Juvenile Justice Department, in coordination with the commission and Department of Family and Protective Services:

(A) create a release plan for an individual described by Subsection (a) who is enrolled in Medicaid, including under the STAR Health managed care program, or the child health plan program to ensure the individual continues ~~[, if possible, to achieve the goal of ensuring that the individual may begin]~~ receiving ~~[those]~~ services under the applicable program on the date of the individual's release from placement, detention, or commitment; or

1 (B) if the department is unable to create a
2 release plan required under Paragraph (A), include documentation in
3 the individual's release order that describes:

4 (i) the reasons the department was unable
5 to create the plan; and

6 (ii) the anticipated impact on the
7 individual's continuity of care under the program.

8 (f) Not later than September 1 of each year, the Texas
9 Juvenile Justice Department shall prepare and submit a report to
10 the governor, lieutenant governor, and speaker of the house of
11 representatives that contains the following information:

12 (1) the number of individuals described by Subsection
13 (a) who were:

14 (A) determined eligible by the commission for
15 coverage under Medicaid or the child health plan program; and

16 (B) enrolled in a program under this section;

17 (2) the number of individuals described by Subdivision
18 (1)(B) who received services under the program in which the
19 individual was enrolled while the individual was committed, placed,
20 or detained under Title 3, Family Code; and

21 (3) if an individual described by Subdivision (1)(B)
22 did not receive services under the program in which the individual
23 was enrolled, an explanation regarding why the individual did not
24 receive services under the program.

25 SECTION 3. Section [32.0264](#), Human Resources Code, is
26 repealed.

27 SECTION 4. As soon as practicable after the effective date

1 of this Act, the Health and Human Services Commission, the Texas
2 Juvenile Justice Department, and the Department of Family and
3 Protective Services shall update the memorandum of understanding
4 required by Section 531.02418, Government Code, as amended by this
5 Act.

6 SECTION 5. If before implementing any provision of this Act
7 a state agency determines that a waiver or authorization from a
8 federal agency is necessary for implementation of that provision,
9 the agency affected by the provision shall request the waiver or
10 authorization and may delay implementing that provision until the
11 waiver or authorization is granted.

12 SECTION 6. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2023.