

By: Johnson

S.B. No. 550

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;

13 (D) the federal special supplemental nutrition
14 program for women, infants, and children authorized by 42 U.S.C.
15 Section 1786;

16 (E) the federal Head Start program established
17 under 42 U.S.C. Section 9831 et seq.; and

18 (F) the free or reduced-price lunch program
19 established under 42 U.S.C. Section 1751 et seq.

20 (b) Notwithstanding any other law and in accordance with
21 Sections 1902(e)(13) and 2107(e)(1)(H) of the Social Security Act
22 (42 U.S.C. Sections 1396a(e)(13) and 1397gg(e)(1)(H)), the
23 commission shall implement an express lane option under which the
24 commission may use information obtained by an express lane agency
25 to determine a child's eligibility for coverage under the child
26 health plan, including a child's eligibility for reenrollment in
27 the plan.

1 (c) In accordance with Section 1902(e)(13)(D) of the Social
2 Security Act (42 U.S.C. Section 1396a(e)(13)(D)), the commission
3 shall automatically enroll in the child health plan program a child
4 who is determined to be eligible for the program under this section.

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

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

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

1 obtained from:

2 (1) a consumer reporting agency, as defined by Section
3 20.01, Business & Commerce Code;

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

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

7 (4) an express lane agency described by Section
8 32.026102.

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

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

12 (a) In this section:

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

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

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

20 (2) "Public assistance program" includes:

21 (A) the child health plan program under Chapters
22 62 and 63, Health and Safety Code;

23 (B) the financial assistance program under
24 Chapter 31;

25 (C) the nutritional assistance programs under
26 Chapter 33, including the supplemental nutrition assistance
27 program under that chapter;

1 (D) the federal special supplemental nutrition
2 program for women, infants, and children authorized by 42 U.S.C.
3 Section 1786;

4 (E) the federal Head Start program established
5 under 42 U.S.C. Section 9831 et seq.; and

6 (F) the free or reduced-price lunch program
7 established under 42 U.S.C. Section 1751 et seq.

8 (b) Notwithstanding any other law and in accordance with
9 Section 1902(e)(13) of the Social Security Act (42 U.S.C. Section
10 1396a(e)(13)), the commission shall implement an express lane
11 option under which the commission may use information obtained by
12 an express lane agency to determine a person's eligibility for
13 medical assistance, including the recertification of a person's
14 eligibility for medical assistance benefits.

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

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

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