

By: Bucy

H.B. No. 76

A BILL TO BE ENTITLED

AN ACT

relating to implementing an express lane option under Medicaid and 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; ENROLLMENT.

1 (a) In this section, "supplemental nutrition assistance program"
2 has the meaning assigned by Section 33.0005, Human Resources Code.

3 (b) Notwithstanding any other law and in accordance with
4 Sections 1902(e)(13) and 2107(e)(1)(H) of the Social Security Act
5 (42 U.S.C. Sections 1396a(e)(13) and 1397gg(e)(1)(H)), the
6 commission shall implement an express lane option under which the
7 commission evaluates data received from an applicant under the
8 supplemental nutrition assistance program in determining a child's
9 eligibility for coverage under the child health plan program.

10 (c) In determining a child's eligibility for coverage under
11 the child health plan program using the express lane option
12 implemented under this section, the commission shall open a new
13 case to ensure there is no delay in providing benefits to the child
14 under the supplemental nutrition assistance program.

15 (d) On determining that a child is eligible for coverage
16 under the child health plan program under this section, the
17 commission shall enroll the child in the program in accordance
18 with Section 1902(e)(13)(D) of the Social Security Act (42 U.S.C.
19 Section 1396a(e)(13)(D)) if the commission:

20 (1) provides notice of the determination to the child's
21 parent, legal guardian, or custodial relative in the manner
22 indicated under Subsection (e); and

23 (2) obtains the affirmative consent of the child's

1 parent, legal guardian, or custodial relative in accordance with
2 Subsection (f) to enroll the child.

3 (e) The commission shall provide the notice required by
4 Subsection (d) in the manner a child's parent, legal guardian, or
5 custodial relative indicates as the preferred method of contact
6 when applying for supplemental nutrition assistance program
7 benefits. If a preferred method of contact is not indicated, the
8 commission may provide the notice:

9 (1) orally;
10 (2) by telephone;
11 (3) in writing, including by electronic signature; or
12 (4) by any other manner the commission determines
13 appropriate.

14 (f) In obtaining the affirmative consent of a child's
15 parent, legal guardian, or custodial relative required by
16 Subsection (d), the commission:

17 (1) shall ensure the consent is provided:
18 (A) within a reasonable amount of time, as
19 determined by the commission; and
20 (B) in accordance with identity verification
21 standards the commission establishes; and
22 (2) may obtain the consent:
23 (A) orally;

1 (B) by telephone;
2 (C) in writing, including by:
3 (i) electronic signature; or
4 (ii) fax; or
5 (D) during an initial eligibility or
6 recertification interview for the supplemental nutrition
7 assistance program.

8 SECTION 3. Section 32.026(e), Human Resources Code, is
9 amended to read as follows:

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

1 eligibility will not be recertified.

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

4 Sec. 32.026102. EXPRESS LANE OPTION ELIGIBILITY;
5 ENROLLMENT. (a) In this section, "supplemental nutrition
6 assistance program" has the meaning assigned by Section 33.0005.

7 (b) Notwithstanding any other law and in accordance with
8 Section 1902(e)(13) of the Social Security Act (42 U.S.C. Section
9 1396a(e)(13)), the commission shall implement an express lane
10 option under which the commission evaluates data received from an
11 applicant under the supplemental nutrition assistance program in
12 determining a child's eligibility for medical assistance benefits.

13 (c) In determining a child's eligibility for medical
14 assistance benefits using the express lane option implemented
15 under this section, the commission shall open a new case to ensure
16 there is no delay in providing benefits to the child under the
17 supplemental nutrition assistance program.

18 (d) On determining that a child is eligible for medical
19 assistance benefits under this section, the commission shall
20 enroll the child in the medical assistance program in accordance
21 with Section 1902(e)(13)(D) of the Social Security Act (42 U.S.C.
22 Section 1396a(e)(13)(D)) if the commission:

23 (1) provides notice of the determination to the child's

1 parent, legal guardian, or custodial relative in the manner
2 indicated under Subsection (e); and

3 (2) obtains the affirmative consent of the child's
4 parent, legal guardian, or custodial relative in accordance with
5 Subsection (f) to enroll the child.

6 (e) The commission shall provide the notice required by
7 Subsection (d) in the manner a child's parent, legal guardian, or
8 custodial relative indicates as the preferred method of contact
9 when applying for supplemental nutrition assistance program
10 benefits. If a preferred method of contact is not indicated, the
11 commission may provide the notice:

12 (1) orally;

13 (2) by telephone;

14 (3) in writing, including:

15 (A) by electronic signature; or

16 (B) in an application for benefits under the
17 supplemental nutrition assistance program; or

18 (4) by any other manner the commission determines
19 appropriate.

20 (f) In obtaining the affirmative consent of a child's
21 parent, legal guardian, or custodial relative required by
22 Subsection (d), the commission:

23 (1) shall ensure the consent is provided:

1 (A) within a reasonable amount of time, as
2 determined by the commission; and

3 (B) in accordance with identity verification
4 standards the commission establishes; and

5 (2) may obtain the consent:

6 (A) orally;

7 (B) by telephone;

8 (C) in writing, including by:

9 (i) electronic signature; or

10 (ii) fax; or

11 (D) during an initial eligibility or
12 recertification interview for the supplemental nutrition
13 assistance program.

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

20 SECTION 6. This Act takes effect on the 91st day after the
21 last day of the legislative session.