

By: Bucy, Oliverson, Rose, Bonnen, Walle,
et al.

H.B. No. 321

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.

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

(b) Notwithstanding any other law and in accordance with
Sections 1902(e)(13) and 2107(e)(1)(H) of the Social Security Act
(42 U.S.C. Sections 1396a(e)(13) and 1397gg(e)(1)(H)), the

1 commission shall implement an express lane option under which the
2 commission evaluates data received from an applicant under the
3 supplemental nutrition assistance program in determining a child's
4 eligibility for coverage under the child health plan program.

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

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

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

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

21 (e) The commission shall provide the notice required by
22 Subsection (d) in the manner a child's parent, legal guardian, or
23 custodial relative indicates as the preferred method of contact
24 when applying for supplemental nutrition assistance program
25 benefits. If a preferred method of contact is not indicated, the
26 commission may provide the notice:

27 (1) orally;

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

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

8 (1) shall ensure the consent is provided:
9 (A) within a reasonable amount of time, as
10 determined by the commission; and
11 (B) in accordance with identity verification
12 standards the commission establishes; and

13 (2) may obtain the consent:
14 (A) orally;
15 (B) by telephone;
16 (C) in writing, including by:
17 (i) electronic signature; or
18 (ii) fax; or
19 (D) during an initial eligibility or
20 recertification interview for the supplemental nutrition
21 assistance program.

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

24 (e) The executive commissioner shall permit a
25 recertification review of the eligibility and need for medical
26 assistance of a child under 19 years of age to be conducted by
27 telephone or mail instead of through a personal appearance at an

office, unless the commission determines that the information needed to verify eligibility cannot be obtained in that manner or may be obtained in the manner specified by Section 32.026102. The executive commissioner by rule may develop procedures to determine whether there is a need for a recertification review of a child described by this subsection to be conducted through a personal interview with a commission representative. Procedures developed under this subsection shall be based on objective, risk-based factors and conditions and shall focus on a targeted group of recertification reviews for which there is a high probability that eligibility will not be recertified.

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

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

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

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

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

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

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

12 (e) The commission shall provide the notice required by
13 Subsection (d) in the manner a child's parent, legal guardian, or
14 custodial relative indicates as the preferred method of contact
15 when applying for supplemental nutrition assistance program
16 benefits. If a preferred method of contact is not indicated, the
17 commission may provide the notice:

18 (1) orally;

19 (2) by telephone;

20 (3) in writing, including:

21 (A) by electronic signature; or

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

24 (4) by any other manner the commission determines
25 appropriate.

26 (f) In obtaining the affirmative consent of a child's
27 parent, legal guardian, or custodial relative required by

1 Subsection (d), the commission:

2 (1) shall ensure the consent is provided:

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

5 (B) in accordance with identity verification
6 standards the commission establishes; and

7 (2) may obtain the consent:

8 (A) orally;

9 (B) by telephone;

10 (C) in writing, including by:

11 (i) electronic signature; or

12 (ii) fax; or

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

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, 2025.