

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.

(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

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

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

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

17 (b) Notwithstanding any other law and in accordance with  
18 Section 1902(e)(13) of the Social Security Act (42 U.S.C. Section  
19 1396a(e)(13)), the commission shall implement an express lane  
20 option under which the commission evaluates data received from an  
21 applicant under the supplemental nutrition assistance program in  
22 determining a child's eligibility for medical assistance benefits.

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

1       (d) On determining that a child is eligible for medical  
2 assistance benefits under this section, the commission shall  
3 enroll the child in the medical assistance program in accordance  
4 with 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 on the 91st day after the  
23 last day of the legislative session.