

1-1 By: Naishtat, Collier (Senate Sponsor - Rodríguez) H.B. No. 839
 1-2 (In the Senate - Received from the House May 11, 2015;
 1-3 May 13, 2015, read first time and referred to Committee on Health
 1-4 and Human Services; May 22, 2015, reported adversely, with
 1-5 favorable Committee Substitute by the following vote: Yeas 7,
 1-6 Nays 1; May 22, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15		X		
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 839 By: Rodríguez

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the reinstatement of eligibility of certain children
 1-22 released from a juvenile facility for benefits under the medical
 1-23 assistance and child health plan programs.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter C, Chapter 62, Health and Safety
 1-26 Code, is amended by adding Sections 62.106 and 62.107 to read as
 1-27 follows:

1-28 Sec. 62.106. SUSPENSION AND AUTOMATIC REINSTATEMENT OF
 1-29 ELIGIBILITY FOR CHILDREN IN JUVENILE FACILITIES. (a) In this
 1-30 section, "juvenile facility" means a facility for the placement,
 1-31 detention, or commitment of a child under Title 3, Family Code.

1-32 (b) To the extent allowed under federal law, if a child is
 1-33 placed in a juvenile facility, the commission shall suspend the
 1-34 child's eligibility for health benefits coverage under the child
 1-35 health plan during the period the child is placed in the facility.

1-36 (c) Not later than 48 hours after the commission is notified
 1-37 of the release from a juvenile facility of a child whose eligibility
 1-38 for health benefits coverage under the child health plan has been
 1-39 suspended under this section, the commission shall reinstate the
 1-40 child's eligibility. Following the reinstatement, the child
 1-41 remains eligible until the expiration of the period for which the
 1-42 child was certified as eligible, excluding the period during which
 1-43 the child's eligibility was suspended.

1-44 Sec. 62.107. NOTICE OF CERTAIN PLACEMENTS IN JUVENILE
 1-45 FACILITIES. (a) In this section:

1-46 (1) "Custodian" and "guardian" have the meanings
 1-47 assigned by Section 51.02, Family Code.

1-48 (2) "Juvenile facility" has the meaning assigned by
 1-49 Section 62.106.

1-50 (b) A juvenile facility may notify the commission on the
 1-51 placement in the facility of a child who is enrolled in the child
 1-52 health plan.

1-53 (c) If a juvenile facility chooses to provide the notice
 1-54 described by Subsection (b), the facility shall provide the notice
 1-55 electronically or by other appropriate means as soon as possible,
 1-56 but not later than the 30th day, after the date of the child's
 1-57 placement.

1-58 (d) A juvenile facility may notify the commission of the
 1-59 release of a child who, immediately before the child's placement in
 1-60 the facility, was enrolled in the child health plan.

2-1 (e) If a juvenile facility chooses to provide the notice
 2-2 described by Subsection (d), the facility shall provide the notice
 2-3 electronically or by other appropriate means not later than 48
 2-4 hours after the child's release from the facility.

2-5 (f) If a juvenile facility chooses to provide the notice
 2-6 described by Subsection (d), at the time of the child's release, the
 2-7 facility shall provide the child's guardian or custodian, as
 2-8 appropriate, with a written copy of the notice and a telephone
 2-9 number at which the commission may be contacted regarding
 2-10 confirmation of or assistance relating to reinstatement of the
 2-11 child's eligibility for health benefits coverage under the child
 2-12 health plan.

2-13 (g) The commission shall establish a means by which a
 2-14 juvenile facility, or an employee of the facility, may determine
 2-15 whether a child placed in the facility is or was, as appropriate,
 2-16 enrolled in the child health plan for purposes of this section.

2-17 (h) A juvenile facility, or an employee of the facility, is
 2-18 not liable in a civil action for damages resulting from a failure to
 2-19 comply with this section.

2-20 SECTION 2. Subchapter B, Chapter 32, Human Resources Code,
 2-21 is amended by adding Sections 32.0264 and 32.0265 to read as
 2-22 follows:

2-23 Sec. 32.0264. SUSPENSION AND AUTOMATIC REINSTATEMENT OF
 2-24 ELIGIBILITY FOR CHILDREN IN JUVENILE FACILITIES. (a) In this
 2-25 section, "juvenile facility" means a facility for the placement,
 2-26 detention, or commitment of a child under Title 3, Family Code.

2-27 (b) To the extent allowed under federal law, if a child is
 2-28 placed in a juvenile facility, the commission shall suspend the
 2-29 child's eligibility for medical assistance during the period the
 2-30 child is placed in the facility.

2-31 (c) Not later than 48 hours after the commission is notified
 2-32 of the release from a juvenile facility of a child whose eligibility
 2-33 for medical assistance has been suspended under this section, the
 2-34 commission shall reinstate the child's eligibility. Following the
 2-35 reinstatement, the child remains eligible until the expiration of
 2-36 the period for which the child was certified as eligible, excluding
 2-37 the period during which the child's eligibility was suspended.

2-38 Sec. 32.0265. NOTICE OF CERTAIN PLACEMENTS IN JUVENILE
 2-39 FACILITIES. (a) In this section:

2-40 (1) "Custodian" and "guardian" have the meanings
 2-41 assigned by Section 51.02, Family Code.

2-42 (2) "Juvenile facility" has the meaning assigned by
 2-43 Section 32.0264.

2-44 (b) A juvenile facility may notify the commission on the
 2-45 placement in the facility of a child who is receiving medical
 2-46 assistance benefits.

2-47 (c) If a juvenile facility chooses to provide the notice
 2-48 described by Subsection (b), the facility shall provide the notice
 2-49 electronically or by other appropriate means as soon as possible,
 2-50 but not later than the 30th day, after the date of the child's
 2-51 placement.

2-52 (d) A juvenile facility may notify the commission of the
 2-53 release of a child who, immediately before the child's placement in
 2-54 the facility, was receiving medical assistance benefits.

2-55 (e) If a juvenile facility chooses to provide the notice
 2-56 described by Subsection (d), the facility shall provide the notice
 2-57 electronically or by other appropriate means not later than 48
 2-58 hours after the child's release from the facility.

2-59 (f) If a juvenile facility chooses to provide the notice
 2-60 described by Subsection (d), at the time of the child's release, the
 2-61 facility shall provide the child's guardian or custodian, as
 2-62 appropriate, with a written copy of the notice and a telephone
 2-63 number at which the commission may be contacted regarding
 2-64 confirmation of or assistance relating to reinstatement of the
 2-65 child's eligibility for medical assistance benefits.

2-66 (g) The commission shall establish a means by which a
 2-67 juvenile facility, or an employee of the facility, may determine
 2-68 whether a child placed in the facility is or was, as appropriate,
 2-69 receiving medical assistance benefits for purposes of this section.

3-1 (h) A juvenile facility, or an employee of the facility, is
3-2 not liable in a civil action for damages resulting from a failure to
3-3 comply with this section.

3-4 SECTION 3. Sections 62.106(b) and 62.107(b), Health and
3-5 Safety Code, as added by this Act, and Sections 32.0264(b) and
3-6 32.0265(b), Human Resources Code, as added by this Act, apply to a
3-7 child whose period of placement in a juvenile facility begins on or
3-8 after the effective date of this Act, regardless of the date the
3-9 child was determined eligible for child health plan coverage under
3-10 Chapter 62, Health and Safety Code, or medical assistance under
3-11 Chapter 32, Human Resources Code.

3-12 SECTION 4. Sections 62.106(c) and 62.107(d), Health and
3-13 Safety Code, as added by this Act, and Sections 32.0264(c) and
3-14 32.0265(d), Human Resources Code, as added by this Act, apply to the
3-15 release of a child from a juvenile facility that occurs on or after
3-16 the effective date of this Act, regardless of the date the child was
3-17 initially placed in the facility.

3-18 SECTION 5. If before implementing any provision of this Act
3-19 a state agency determines that a waiver or authorization from a
3-20 federal agency is necessary for implementation of that provision,
3-21 the agency affected by the provision shall request the waiver or
3-22 authorization and may delay implementing that provision until the
3-23 waiver or authorization is granted.

3-24 SECTION 6. This Act takes effect immediately if it receives
3-25 a vote of two-thirds of all the members elected to each house, as
3-26 provided by Section 39, Article III, Texas Constitution. If this
3-27 Act does not receive the vote necessary for immediate effect, this
3-28 Act takes effect September 1, 2015.

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