

1-1 By: Collier, et al. (Senate Sponsor - Menéndez) H.B. No. 337  
 1-2 (In the Senate - Received from the House May 8, 2017;  
 1-3 May 9, 2017, read first time and referred to Committee on Health &  
 1-4 Human Services; May 23, 2017, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
 1-6 May 23, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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. 337 By: Watson

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

1-21 relating to the continuation of certain public benefits, including  
 1-22 medical assistance benefits, for individuals after release from  
 1-23 confinement in a county jail.

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

1-25 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,  
 1-26 is amended by adding Section 32.0266 to read as follows:

1-27 Sec. 32.0266. SUSPENSION, TERMINATION, AND AUTOMATIC  
 1-28 REINSTATEMENT OF ELIGIBILITY FOR INDIVIDUALS CONFINED IN COUNTY  
 1-29 JAILS. (a) In this section, "county jail" means a facility operated  
 1-30 by or for a county for the confinement of persons accused or  
 1-31 convicted of an offense.

1-32 (b) To the extent allowed by federal law, if an individual  
 1-33 is confined in a county jail and the sheriff of the county has  
 1-34 notified the commission of the confinement under Section 351.046,  
 1-35 Local Government Code, the commission shall suspend or terminate,  
 1-36 as appropriate, the individual's eligibility for medical  
 1-37 assistance during the period the individual is confined in the  
 1-38 county jail.

1-39 (c) Not later than 48 hours after the commission is notified  
 1-40 under Section 351.046, Local Government Code, of the release from a  
 1-41 county jail of an individual whose eligibility for medical  
 1-42 assistance has been suspended under this section, the commission  
 1-43 shall reinstate the individual's eligibility, provided the  
 1-44 individual's eligibility certification period has not elapsed. To  
 1-45 the extent allowed by federal law, following the reinstatement, the  
 1-46 individual remains eligible until the expiration of the period for  
 1-47 which the individual was certified as eligible.

1-48 SECTION 2. Subchapter C, Chapter 351, Local Government  
 1-49 Code, is amended by adding Sections 351.046 and 351.047 to read as  
 1-50 follows:

1-51 Sec. 351.046. NOTICE TO CERTAIN GOVERNMENTAL ENTITIES. (a)  
 1-52 In this section, "medical assistance benefits" means medical  
 1-53 assistance benefits provided under Chapter 32, Human Resources  
 1-54 Code.

1-55 (b) The sheriff of a county may notify the Health and Human  
 1-56 Services Commission on the confinement in the county jail of an  
 1-57 individual who is receiving medical assistance benefits.

1-58 (c) If the sheriff of a county chooses to provide the notice  
 1-59 described by Subsection (b), the sheriff, or an employee of the  
 1-60 county or sheriff, shall provide the notice electronically or by

2-1 other appropriate means as soon as possible after the 30th day after  
2-2 the date of the individual's confinement.

2-3 (d) If the sheriff of a county chooses to provide the notice  
2-4 described by Subsection (b), the sheriff shall notify:

2-5 (1) the United States Social Security Administration  
2-6 of the release or discharge of a prisoner who, immediately before  
2-7 the prisoner's confinement in the county jail, was receiving:

2-8 (A) Supplemental Security Income (SSI) benefits  
2-9 under 42 U.S.C. Section 1381 et seq.; or

2-10 (B) Social Security Disability Insurance (SSDI)  
2-11 benefits under 42 U.S.C. Section 401 et seq.; and

2-12 (2) the Health and Human Services Commission of the  
2-13 release or discharge of a prisoner who, immediately before the  
2-14 prisoner's confinement in the county jail, was receiving medical  
2-15 assistance benefits.

2-16 (e) If the sheriff of a county provides the notices  
2-17 described by Subsection (d), the sheriff, or an employee of the  
2-18 county or sheriff, shall provide the notices electronically or by  
2-19 other appropriate means not later than 48 hours after the  
2-20 prisoner's release or discharge from custody.

2-21 (f) If the sheriff of a county provides the notice described  
2-22 by Subsection (d)(2), at the time of the prisoner's release or  
2-23 discharge, the sheriff, or an employee of the county or sheriff,  
2-24 shall provide the prisoner with a written copy of the notice and a  
2-25 telephone number at which the prisoner may contact the Health and  
2-26 Human Services Commission regarding confirmation of or assistance  
2-27 relating to reinstatement of the individual's eligibility for  
2-28 medical assistance benefits, if applicable.

2-29 (g) The Health and Human Services Commission shall  
2-30 establish a means by which the sheriff of a county, or an employee  
2-31 of the county or sheriff, may determine whether an individual  
2-32 confined in the county jail is or was, as appropriate, receiving  
2-33 medical assistance benefits for purposes of this section.

2-34 (h) A county or the sheriff of a county, or an employee of  
2-35 the county or sheriff, is not liable in a civil action for damages  
2-36 resulting from a failure to comply with this section.

2-37 Sec. 351.047. ASSISTANCE WITH REINSTATEMENT OF BENEFITS.  
2-38 The sheriff of a county may enter into an agreement with a third  
2-39 party with experience providing reintegration resources or  
2-40 services to former prisoners under which the third party assists a  
2-41 person who is released or discharged from the county jail with the  
2-42 reinstatement of the person's eligibility for, as appropriate:

2-43 (1) medical assistance benefits under Chapter 32,  
2-44 Human Resources Code;

2-45 (2) Supplemental Security Income (SSI) benefits under  
2-46 42 U.S.C. Section 1381 et seq.; and

2-47 (3) Social Security Disability Insurance (SSDI)  
2-48 benefits under 42 U.S.C. Section 401 et seq.

2-49 SECTION 3. Section 32.0266(b), Human Resources Code, and  
2-50 Section 351.046(b), Local Government Code, as added by this Act,  
2-51 apply to an individual whose period of confinement in a county jail  
2-52 begins on or after the effective date of this Act, regardless of the  
2-53 date the individual was determined eligible for medical assistance  
2-54 under Chapter 32, Human Resources Code.

2-55 SECTION 4. Section 32.0266(c), Human Resources Code, and  
2-56 Section 351.046(d), Local Government Code, as added by this Act,  
2-57 apply to the release or discharge of a prisoner from a county jail  
2-58 that occurs on or after the effective date of this Act, regardless  
2-59 of the date the prisoner was initially confined in the county jail.

2-60 SECTION 5. If before implementing any provision of this Act  
2-61 a state agency determines that a waiver or authorization from a  
2-62 federal agency is necessary for implementation of that provision,  
2-63 the agency affected by the provision shall request the waiver or  
2-64 authorization and may delay implementing that provision until the  
2-65 waiver or authorization is granted.

2-66 SECTION 6. This Act takes effect September 1, 2017.

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