

1-1 By: Paxton, Miles S.B. No. 1059
1-2 (In the Senate - Filed March 5, 2021; March 18, 2021, read
1-3 first time and referred to Committee on Health & Human Services;
1-4 May 10, 2021, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; May 10, 2021,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

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

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1059 By: Campbell

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

1-21 relating to the process for determining the Medicaid eligibility of
1-22 certain former foster care youth.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Sections 32.0247(e) and (f), Human Resources
1-25 Code, are amended to read as follows:

1-26 (e) The Department of Family and Protective Services shall
1-27 certify the income, assets, or resources of each individual on the
1-28 date the individual exits substitute care. An individual
1-29 qualifying for medical assistance as established by this section
1-30 shall remain eligible for the maximum period permitted under
1-31 federal law before any [12 calendar months after certification and
1-32 after each] recertification is required.

1-33 (f) If recertification is required, the [The]
1-34 recertification process for individuals who are eligible for
1-35 medical assistance under this section must:

1-36 (1) comply with Section 32.024715; and

1-37 (2) [shall] include the option of recertifying online
1-38 or by mail or phone.

1-39 SECTION 2. Subchapter B, Chapter 32, Human Resources Code,
1-40 is amended by adding Section 32.024715 to read as follows:

1-41 Sec. 32.024715. STREAMLINED ELIGIBILITY DETERMINATION
1-42 PROCESS FOR CERTAIN FORMER FOSTER CARE YOUTH. (a) This section
1-43 applies to a former foster care youth who is eligible for Medicaid
1-44 under Section 1902(a)(10)(A)(i)(IX), Social Security Act (42
1-45 U.S.C. Section 1396a(a)(10)(A)(i)(IX)), or any other law.

1-46 (b) The commission, in consultation with the Department of
1-47 Family and Protective Services, shall design and implement a
1-48 streamlined process for determining a former foster care youth's
1-49 eligibility for Medicaid. The streamlined process must:

1-50 (1) provide for the automatic enrollment and
1-51 recertification of a former foster care youth in the STAR Health
1-52 program, the STAR Medicaid managed care program, or another
1-53 Medicaid program, as appropriate;

1-54 (2) be designed to prevent any unnecessary
1-55 interruption of the youth's Medicaid benefits, including any
1-56 interruption related to having to recertify the youth for benefits;
1-57 and

1-58 (3) if recertification is required under federal law,
1-59 use a simple application and recertification process that:

1-60 (A) to the extent permitted by federal law, does

2-1 not require that a youth verify that the youth is a resident of this
2-2 state unless the commission determines that the youth is receiving
2-3 Medicaid benefits outside of this state; or
2-4 (B) if federal law requires that a youth verify
2-5 that the youth is a resident of this state, allows the youth to
2-6 attest to that fact without providing additional documentation or
2-7 evidence that proves the youth is a resident of this state.

2-8 SECTION 3. The changes in law made by this Act apply to an
2-9 initial determination or recertification of eligibility of a person
2-10 for medical assistance under Chapter 32, Human Resources Code, made
2-11 on or after the effective date of this Act, regardless of the date
2-12 the person applied for that assistance.

2-13 SECTION 4. If before implementing any provision of this Act
2-14 a state agency determines that a waiver or authorization from a
2-15 federal agency is necessary for implementation of that provision,
2-16 the agency affected by the provision shall request the waiver or
2-17 authorization and may delay implementing that provision until the
2-18 waiver or authorization is granted.

2-19 SECTION 5. The Department of Family and Protective Services
2-20 and the Health and Human Services Commission are required to
2-21 implement this Act only if the legislature appropriates money
2-22 specifically for that purpose. If the legislature does not
2-23 appropriate money specifically for that purpose, the department and
2-24 the commission may, but are not required to, implement this Act
2-25 using other appropriations available for the purpose.

2-26 SECTION 6. This Act takes effect September 1, 2021.

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