

1-1 By: Rose, et al. (Senate Sponsor - Blanco, et al.) H.B. No. 2802
 1-2 (In the Senate - Received from the House April 19, 2023;
 1-3 April 20, 2023, read first time and referred to Committee on Health
 1-4 & Human Services; May 11, 2023, reported favorably by the following
 1-5 vote: Yeas 9, Nays 0; May 11, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
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 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the Medicaid application form and communication with
 1-20 Medicaid recipients.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 533.008, Government Code, is amended by
 1-23 amending Subsection (c) and adding Subsection (d) to read as
 1-24 follows:

1-25 (c) The executive commissioner shall adopt and publish
 1-26 guidelines for Medicaid managed care organizations regarding how
 1-27 organizations may communicate by telephone, text message, or e-mail
 1-28 with recipients enrolled in the organization's managed care plan
 1-29 using the contact information provided in a recipient's application
 1-30 for Medicaid benefits under Section 32.025(g)(2), Human Resources
 1-31 Code, including updated information provided to the organization in
 1-32 accordance with Section 32.025(h), Human Resources Code.

1-33 (d) In adopting the guidelines under Subsection (c) for a
 1-34 recipient enrolled in a Medicaid managed care organization's
 1-35 managed care plan who provides to the organization the recipient's
 1-36 contact information through any method other than the recipient's
 1-37 Medicaid application, the commission:

1-38 (1) must allow the organization to communicate with
 1-39 the recipient through any electronic means, including telephone,
 1-40 text message, and e-mail, regarding eligibility, enrollment, and
 1-41 other health care matters; and

1-42 (2) may not require the organization to submit the
 1-43 recipient's contact preference information to the commission.

1-44 SECTION 2. Section 32.025(g), Human Resources Code, is
 1-45 amended to read as follows:

1-46 (g) The application form, including a renewal form, adopted
 1-47 under this section must include:

1-48 (1) for an applicant who is pregnant, a question
 1-49 regarding whether the pregnancy is the woman's first gestational
 1-50 pregnancy;

1-51 (2) for all applicants, a question regarding the
 1-52 applicant's preferences for being contacted by a managed care
 1-53 organization or health plan provider [~~that provides the applicant~~
 1-54 ~~with the option to be contacted~~] by telephone, text message, or
 1-55 e-mail about eligibility, enrollment, and other health care
 1-56 matters, including reminders for appointments and information
 1-57 about immunizations or well check visits; and

1-58 (3) language that:

1-59 (A) notifies the applicant that, if determined
 1-60 eligible for benefits, all preferred contact methods listed on the
 1-61 application and renewal forms will be shared with the applicant's

2-1 managed care organization or health plan provider;
2-2 (B) notifies [~~allows~~] the applicant that the
2-3 applicant may opt out of [~~to consent to~~] being contacted by
2-4 telephone, text message, or e-mail [~~through the preferred contact~~
2-5 ~~methods~~] by notifying the applicant's managed care organization or
2-6 health plan provider; and

2-7 (C) explains the security risks of electronic
2-8 communication.

2-9 SECTION 3. Not later than January 1, 2024, the executive
2-10 commissioner of the Health and Human Services Commission shall
2-11 adopt revised communication guidelines for Medicaid managed care
2-12 organizations that conform to the requirements of Section [533.008](#),
2-13 Government Code, as amended by this Act, and a revised application
2-14 form for medical assistance benefits that conforms to the
2-15 requirements of Section [32.025\(g\)](#), Human Resources Code, as amended
2-16 by this Act.

2-17 SECTION 4. If before implementing any provision of this Act
2-18 a state agency determines that a waiver or authorization from a
2-19 federal agency is necessary for implementation of that provision,
2-20 the agency affected by the provision shall request the waiver or
2-21 authorization and may delay implementing that provision until the
2-22 waiver or authorization is granted.

2-23 SECTION 5. This Act takes effect September 1, 2023.

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