

BILL ANALYSIS

C.S.H.B. 337
By: Collier
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the termination of the Medicaid eligibility of an individual who is confined in a county jail regardless of whether the individual has been convicted of an offense. Interested parties note that the process of restoring an individual's Medicaid eligibility on release from confinement is often lengthy, which may leave the individual without access to health care coverage. C.S.H.B. 337 seeks to address this issue by providing a mechanism by which the Medicaid benefits of an individual confined in a county jail may be suspended, rather than terminated, and then reinstated within 48 hours of the individual's release as long as the individual remains eligible while confined in county jail.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 337 amends the Human Resources Code to require the Health and Human Services Commission (HHSC), as soon as HHSC becomes aware of the confinement of an individual who is confined in a county jail because the individual has been charged with but not convicted of an offense, to suspend the individual's Medicaid eligibility during the period of confinement. The bill requires HHSC, as soon as HHSC becomes aware of the conviction of a person confined in a county jail, as appropriate, to terminate the Medicaid eligibility of the individual or to suspend the Medicaid eligibility during the period the individual is confined in the county jail. The bill requires HHSC, not later than 48 hours after HHSC is notified of the release from a county jail of an individual whose Medicaid eligibility has been suspended, to reinstate the individual's eligibility provided the individual's eligibility certification period has not elapsed. The individual remains eligible following the reinstatement until the expiration of the period for which the individual was certified as eligible.

C.S.H.B. 337 amends the Local Government Code to authorize a county sheriff to notify HHSC on the confinement in the county jail of an individual who is receiving Medicaid benefits and on the conviction of a prisoner who, immediately before the prisoner's confinement in the county jail, was receiving Medicaid benefits. The bill requires the sheriff or an employee of the county or of the sheriff, if the sheriff chooses to provide such notices, to provide the notices electronically or by other appropriate means as soon as possible after the 30th day after the date of the individual's confinement or prisoner's conviction, as applicable.

C.S.H.B. 337 requires a county sheriff who chooses to provide those notices to notify the Social Security Administration of the release or discharge of a prisoner who, immediately before the prisoner's confinement in the county jail, was receiving federal Supplemental Security Income (SSI) benefits or Social Security Disability Insurance (SSDI) benefits and to notify HHSC of the release or discharge of a prisoner who, immediately before the prisoner's confinement in the county jail, was receiving Medicaid benefits. The bill requires a sheriff or an employee of the county or of the sheriff, if the sheriff provides such notices to the Social Security Administration and HHSC, as appropriate, to do so electronically or by other appropriate means not later than 48 hours after the prisoner's release or discharge from custody and to provide the prisoner at the time of the prisoner's release or discharge with a written copy of each applicable notice and a telephone number at which the prisoner may contact HHSC regarding confirmation of or assistance relating to reinstatement of the individual's Medicaid eligibility, if applicable.

C.S.H.B. 337 requires HHSC to establish a means by which a county sheriff, or an employee of the county or sheriff, may determine whether an individual confined in the county jail is or was, as appropriate, receiving Medicaid benefits for purposes of the bill's notice provisions. The bill exempts a county, the sheriff of a county, and an employee of the county or sheriff from civil liability for damages resulting from a failure to comply with the bill's notice provisions. The bill authorizes a county sheriff to enter into an agreement with a third party with experience providing reintegration resources or services to former prisoners under which the third party assists a person who is released or discharged from the county jail with the reinstatement of the person's eligibility for Medicaid, SSI benefits, and SSDI benefits, as appropriate.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 337 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

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

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

(b) If an individual is confined in a county jail because the individual has been charged with but not convicted of an offense, the commission shall suspend the individual's eligibility for medical assistance during the period the individual is confined in the county jail.

HOUSE COMMITTEE SUBSTITUTE

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

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

(b) If an individual is confined in a county jail because the individual has been charged with but not convicted of an offense, the commission shall, as soon as the commission becomes aware of the confinement, suspend the individual's eligibility for medical assistance during the period the individual is confined in the county jail.

(c) If an individual is confined in a county jail because the individual has been convicted of an offense, the commission shall, as appropriate:

(1) terminate the individual's eligibility for medical assistance; or

(2) suspend the individual's eligibility during the period the individual is confined in the county jail.

(d) Not later than 48 hours after the commission is notified of the release from a county jail of an individual whose eligibility for medical assistance has been suspended under this section, the commission shall reinstate the individual's eligibility, provided the individual's eligibility certification period has not elapsed. Following the reinstatement, the individual remains eligible until the expiration of the period for which the individual was certified as eligible.

SECTION 2. Subchapter C, Chapter 351, Local Government Code, is amended by adding Section 351.046 to read as follows:

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

(b) The sheriff of a county may notify the Health and Human Services Commission:

(1) on the confinement in the county jail of an individual who is receiving medical assistance benefits; and

(2) on the conviction of a prisoner who, immediately before the prisoner's confinement in the county jail, was receiving medical assistance benefits.

(c) If the sheriff of a county chooses to provide the notices described by Subsection (b), the sheriff shall provide the notices electronically or by other appropriate means as soon as possible and not later than the 30th day after the date of the individual's confinement or prisoner's conviction, as applicable.

(d) The sheriff of a county may notify:

(1) the United States Social Security Administration of the release or discharge of

(c) If an individual is confined in a county jail because the individual has been convicted of an offense, the commission shall, as soon as the commission becomes aware of the conviction, as appropriate:

(1) terminate the individual's eligibility for medical assistance; or

(2) suspend the individual's eligibility during the period the individual is confined in the county jail.

(d) Not later than 48 hours after the commission is notified of the release from a county jail of an individual whose eligibility for medical assistance has been suspended under this section, the commission shall reinstate the individual's eligibility, provided the individual's eligibility certification period has not elapsed. Following the reinstatement, the individual remains eligible until the expiration of the period for which the individual was certified as eligible.

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

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

(b) The sheriff of a county may notify the Health and Human Services Commission:

(1) on the confinement in the county jail of an individual who is receiving medical assistance benefits; and

(2) on the conviction of a prisoner who, immediately before the prisoner's confinement in the county jail, was receiving medical assistance benefits.

(c) If the sheriff of a county chooses to provide the notices described by Subsection (b), the sheriff, or an employee of the county or sheriff, shall provide the notices electronically or by other appropriate means as soon as possible after the 30th day after the date of the individual's confinement or prisoner's conviction, as applicable.

(d) If the sheriff of a county chooses to provide the notices described by Subsection (b), the sheriff shall notify:

(1) the United States Social Security Administration of the release or discharge of

a prisoner who, immediately before the prisoner's confinement in the county jail, was receiving:

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

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

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

(e) If the sheriff of a county chooses to provide the notices described by Subsection (d), the sheriff shall provide the notices electronically or by other appropriate means not later than 48 hours after the prisoner's release or discharge from custody.

(f) If the sheriff of a county chooses to provide the notices described by Subsection (d), at the time of the prisoner's release or discharge, the sheriff shall provide the prisoner with a written copy of each applicable notice and a telephone number at which the prisoner may contact the Health and Human Services Commission regarding confirmation of or assistance relating to reinstatement of the individual's eligibility for medical assistance benefits, if applicable.

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

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

No equivalent provision.

a prisoner who, immediately before the prisoner's confinement in the county jail, was receiving:

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

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

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

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

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

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

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

Sec. 351.047. ASSISTANCE WITH REINSTATEMENT OF BENEFITS. The sheriff of a county may enter into an agreement with a third party with experience providing reintegration resources or services to former prisoners under which the third party assists a person who is released or discharged from the county jail

with the reinstatement of the person's eligibility for, as appropriate:
(1) medical assistance benefits under Chapter 32, Human Resources Code;
(2) Supplemental Security Income (SSI) benefits under 42 U.S.C. Section 1381 et seq.; and
(3) Social Security Disability Insurance (SSDI) benefits under 42 U.S.C. Section 401 et seq.

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

SECTION 3. Same as introduced version.

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

SECTION 4. Same as introduced version.

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

SECTION 5. Same as introduced version.

SECTION 6. This Act takes effect September 1, 2017.

SECTION 6. Same as introduced version.