

BILL ANALYSIS

C.S.H.B. 72
By: White
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised over the continuity of health care services for certain children formerly in foster care. C.S.H.B. 72 seeks to provide a means by which Medicaid benefits may be continued for those children after adoption or entrance into a permanency care assistance agreement.

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 rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 72 amends the Government Code to require the Health and Human Services Commission (HHSC) to ensure that each child who resides in Texas and who is eligible for certain adoption assistance or services provided by the Department of Family and Protective Services (DFPS) or for assistance or services provided under the permanency care assistance program remains or is enrolled in the STAR Health program unless or until the child is enrolled in another Medicaid managed care program. The bill requires HHSC, in consultation with DFPS and to the extent permitted by federal law, to develop and implement a program that allows the adoptive parent or permanent managing conservator of such a child who received Supplemental Security Income (SSI) or was receiving SSI before becoming eligible for the applicable assistance or services to elect on the child's behalf to receive or, if applicable, continue receiving benefits under the STAR Health program or STAR Kids managed care program. The bill requires HHSC to protect the continuity of care for each child to which these provisions apply and, if applicable, to ensure coordination between the STAR Health program and any other Medicaid managed care program for each child who is transitioning between Medicaid managed care programs. The bill requires the executive commissioner of HHSC to adopt rules necessary to implement these provisions.

C.S.H.B. 72 repeals a Family Code provision requiring DFPS, subject to the availability of funds, to work with HHSC and the federal government to develop a program to provide Medicaid coverage to children who were in DFPS conservatorship at the time of adoptive placement and who need medical or rehabilitative care but do not qualify for adoption assistance.

C.S.H.B. 72 amends the Family Code to change one of the conditions of eligibility for the monthly \$150 subsidy that DFPS is required to pay, subject to the availability of funds, for the premiums for health benefits coverage for certain adopted children from the condition that the

child is not eligible for Medicaid benefits after the adoption to the condition that the child is not receiving Medicaid benefits after the adoption.

C.S.H.B. 72 repeals Section 162.304(f), Family Code.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 72 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions providing for the continuation of Medicaid benefits for a recipient with a chronic health condition who, because of the recipient's adoption, will no longer be in DFPS conservatorship. The bill includes provisions that instead do the following:

- require HHSC to ensure that each child who resides in Texas and is eligible for certain assistance or services for children formerly in foster care remains or is enrolled in the STAR Health program unless or until the child is enrolled in another Medicaid managed care program;
- provide for the establishment of a program to allow certain of those children who received or were receiving SSI benefits before becoming eligible for the applicable assistance or services to receive or continue receiving Medicaid benefits under the STAR Health program or STAR Kids managed care program; and
- require the executive commissioner to adopt rules.

The substitute repeals the requirement for DFPS to work with HHSC and the federal government to develop a program to provide Medicaid coverage to children who were in DFPS conservatorship at the time of adoptive placement and who need medical or rehabilitative care but do not qualify for adoption assistance.