

BILL ANALYSIS

S.B. 1911
By: Blanco
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The legislature recently required the Health and Human Services Commission (HHSC) to amend the Medicaid application to allow applicants to indicate their preferred method of contact. Subsequently, HHSC determined that the prescribed application language did not inform applicants about the privacy and security risks of electronic communication and concluded that managed care organizations would be required to contact recipients to explain the risks and to document if the recipient had accepted and provided informed consent of such risks. Because Medicaid recipients are often difficult to reach by phone to gain their informed consent, this practice created a barrier to communicating through a recipient's preferred method. Additionally, it negates the purpose of the original legislation, which was to capture a preferred method of contact through the Medicaid application itself. S.B. 1911 seeks to address this issue by requiring that the application form capture applicants' preferred contact methods while also informing applicants of security risks when using electronic contact methods.

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

S.B. 1911 amends the Human Resources Code to revise the required contents of the Medicaid application form to do the following:

- remove certain prescribed language regarding the applicant's preferred method of being contacted by their managed care organization (MCO) or health plan provider while retaining the underlying requirement for the form to give the applicants the option to be contacted by telephone, text message, or email about health care matters and to inform applicants that their preferred contact methods will be shared with the MCO or health plan provider;
- require the form to include language that notifies the applicant which listed contact methods will be shared and allows the applicant to consent to being contacted through the preferred contact methods by their MCO or health plan provider;
- require the form to include language that explains the security risks of electronic communication; and
- clarify that the question regarding preferred method of contact applies for all applicants.

The bill requires the executive commissioner of the Health and Human Services Commission (HHSC), not later than January 1, 2022, to adopt a revised application form that complies with

the revised content requirements and applies the revised content requirements also to a Medicaid renewal form.

S.B. 1911 requires HHSC to implement a process to do the following:

- transmit an applicant's preferred contact methods and consent to the applicant's MCO or health plan provider;
- allow an applicant to change those preferences in the future, including providing for an option to opt out of electronic communication; and
- communicate updated information to the applicable MCO or health plan provider.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.