

SUBJECT: Revising provision of Medicaid and CHIP benefits for certain children

COMMITTEE: Youth Health & Safety, Select — favorable, without amendment

VOTE: 7 ayes — S. Thompson, Hull, Allison, Capriglione, T. King, Landgraf,  
Lozano

0 nays

2 absent — Dutton, A. Johnson

WITNESSES: For — Rachel Hampton, Lone Star Justice Alliance (*Registered, but did not testify*; Rebecca Young Montgomery, Center for Transforming Lives; Jason Sabo, Children at Risk; Michael Dole, Driscoll Health System; Ana O'Quin, Girls Empowerment Network; Christine Yanas, Methodist Healthcare Ministries; Hannah Gill, NAMI Texas; Shannon Doyle, National Association of Social Workers - Texas Chapter; Maggie Luna, Statewide Leadership Council; Kate Murphy, Texans Care for Children; Martin Martinez, Texas Appleseed; Alycia Castillo, Texas Center for Justice and Equity; Caitlin Flanders, Texas Medical Association; Lauren Rose, Texas Network of Youth Services; Clayton Travis, Texas Pediatric Society)

Against — None

On — (*Registered, but did not testify*: Brock Boudreau, DFPS; Janie Contreras, Health and Human Services Commission)

BACKGROUND: Family Code sec. 531.02418 requires the Health and Human Services Commission (HHSC) and the Texas Juvenile Justice Department (TJJD) to enter a memorandum of understanding that ensures each individual committed, placed, or detained under the Juvenile Justice Code is assessed for Medicaid and Child Health Insurance Plan (CHIP) eligibility before the individual is released from commitment, placement, or detention.

Some have suggested that certain youth involved in the juvenile justice

system would benefit from better access to health care services while incarcerated and after being released from juvenile justice residential facilities.

**DIGEST:** HB 4366 would repeal provisions that suspend a child's Medicaid eligibility while the child is placed in a juvenile justice facility, unless the child required inpatient care, to the extent allowable by federal law.

The bill would include the Department of Family and Protective Services (DFPS) in the memorandum of understanding between HHSC and TJJD established by Family Code sec. 531.02418. The bill also would specify that individuals would also be assessed for eligibility for the STAR Health managed care program.

The bill would revise language stating that the memorandum of understanding be tailored to achieve certain goals, stating instead that the memorandum would have to require that each eligible individual be enrolled in Medicaid, STAR Health, or CHIP and receive services as soon as possible after eligibility was determined. The memorandum also would have to require TJJD to use available resources to help the individual access telehealth or telemedicine medical services through the applicable program.

In coordination with HHSC and DFPS, TJJD would create a release plan for each Medicaid and CHIP enrollee to ensure the individual continued receiving services under the applicable program after being released. If TJJD was unable to create such a release plan, it would include documentation in the individual's release order that described why TJJD was unable to create the plan and the anticipated impact on the individual's continuity of care under the applicable program.

By September 1 of each year, TJJD would be required to submit a report to the governor, lieutenant governor, and the speaker of the House that included certain information related to individuals determined eligible for Medicaid and CHIP.

The memorandum of understanding would have to be updated as soon as practicable after the effective date. If a state agency determined that a waiver or authorization from a federal agency was necessary to implement the bill, the agency would be required to request the waiver and could delay implementation until the waiver or authorization was granted.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.