

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 43
By: Zaffirini
Health & Human Services
4/8/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, the application and eligibility process for children's Medicaid requires a face-to-face interview. C.S.S.B. 43 eliminates this requirement to streamline the process and provide for continuous medical assistance eligibility when children are transitioning from Medicaid to CHIP or to private insurers.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Health and Human Services Commission or an agency operating part of the medical assistance program in SECTION 3 (Section 32.0261, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 32.025, Human Resources Code, by adding Subsections (d) and (e) to require the Health and Human Services Commission (department) or an agency operating part of the medical assistance program to adopt application forms and procedures for a request, which can be conducted by mail instead of through a personal appearance at a department office, for medical assistance provided to a child under 19 years of age that are similar to the application forms and procedures adopted under Section 62.103 (Application Form and Procedures), Health and Safety Code. Require the department to permit an application requesting medical assistance for a child under 19 years of age to be conducted by mail instead of through a personal appearance at a department office.

SECTION 2. Amends Section 32.026, Human Resources Code, by adding Subsections (d) and (e) to require the department to ensure that documentation and verification procedures used in determining and certifying the eligibility and need for medical assistance of a child under 19 years of age, including the documentation and verification procedures used to evaluate the assets and resources of the child, the child's parents, or the child's other caretaker for that purpose, are the same as the documentation and verification procedures used to determine and certify a child's eligibility for coverage under Chapter 62 (Child Health Plan for Certain Low-Income Children), Health and Safety Code, except that the documentation and verification procedures adopted in accordance with this subsection are prohibited from being more stringent than the documentation and verification procedures existing on January 1, 2001, for the determination and verification of a child's eligibility for coverage under Chapter 62, Health and Safety Code. Requires the department to permit a recertification review of the eligibility and need for medical assistance of a child under 19 years of age to be conducted by telephone or mail instead of through a personal appearance at a department office.

SECTION 3. Amends Chapter 32B, Human Resources Code, by adding Section 32.0261, as follows:

Sec. 32.0261. CONTINUOUS ELIGIBILITY. (a) Requires the department to adopt rules in accordance with 42 U.S.C. Section 1396a (e)(12), as amended, to provide for a period for continuous eligibility for a child under five years of age and requires the child to remain eligible for medical assistance, without additional review by the department and regardless of changes

in the child's resources or income, until the earlier of: first anniversary of the date on which the child's eligibility was determined, or the child's fifth birthday.

(b) Authorizes the department, by rule, to provide for an expansion of the continuous eligibility provisions of Subsection (a) to apply to older children who are determined to be eligible for medical assistance under this chapter, to the extent that funds are available for that purpose. Requires the department, in adopting rules under this subsection, to specify the age groups to which the expansion applies and ensure that the children are under 19 years of age.

SECTION 4. Requires a state agency to request the waiver or authorization and delay implementing that provision until the waiver or authorization is granted, if a state agency determines that a waiver or authorization from a federal agency is necessary for implementation.

SECTION 5. Effective date: January 1, 2002.

Requires the department or appropriate state agency operating part of the medical assistance program to adopt rules required by Section 32.0261(a), Human Resources Code, as added by this Act, not later than February 1, 2002.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. No change.

SECTION 2. Amends As Filed S.B. 43 by including wording to clarify the requirements of the Health and Human Services Commission (department) in adopting rules under Section 32.026, Human Resources Code.

SECTION 3. Amends As Filed S.B. 43 by reducing the age for which the department shall adopt rules to provide for a period of continuous eligibility from 19 to five years of age. Adds a proposed Subsection (b) to authorize the department by rule to provide for an expansion of the continuous eligibility provisions of Subsection (a) to apply to certain children who are under 19 years of age.

Removes proposed SECTION 4 relating to the exclusion of assets and resources.

SECTION 4. Amends As Filed S.B. 43 by redesignating SECTION 5 as SECTION 4.

SECTION 5. Amends As Filed S.B. 43 by redesignating SECTION 6 as SECTION 5. Provides that the effective date of this Act is January 1, 2002, rather than September 1, 2001. Requires the department to adopt rules required by Section 32.0261(a), Human Resources Code, as added by this Act, not later than February 1, 2002, rather than October 1, 2001.