

## **BILL ANALYSIS**

Senate Research Center  
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C.S.H.B. 839  
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Health & Human Services  
5/22/2015  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Juveniles committed to a juvenile justice detention facility have higher physical and mental needs than juveniles in the general population and mental health needs are a main driver of a juvenile offender's initial entry into the juvenile justice system and recidivism. A significant number of juveniles committed to the Texas Juvenile Justice Department have a suspected or confirmed substance abuse issue or mental health issue.

According to reports, Texas terminates, rather than suspends, a juvenile's Medicaid benefits when a juvenile enters a detention facility, causing an interruption in the reinstatement of benefits after the juvenile is released from detention. This interruption can result in an inability to obtain necessary medical care. Although state agencies have worked hard to address delayed Medicaid re-enrollment, juvenile probation departments across Texas report that challenges remain with re-enrollment, sometimes resulting in juveniles going without Medicaid benefits for up to a month. C.S.H.B. 839 seeks to address these issues.

C.S.H.B. 839 amends current law relating to the reinstatement of eligibility of certain children released from a juvenile facility for benefits under the medical assistance and child health plan programs.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 62, Health and Safety Code, by adding Sections 62.106 and 62.107, as follows:

Sec. 62.106. SUSPENSION AND AUTOMATIC REINSTATEMENT OF ELIGIBILITY FOR CHILDREN IN JUVENILE FACILITIES. (a) Defines "juvenile facility."

(b) Requires the Health and Human Services Commission (HHSC), to the extent allowed under federal law, if a child is confined in a juvenile facility, to suspend the child's eligibility for health benefits coverage under the child health plan during the period the child is confined in the facility.

(c) Requires HHSC, not later than 48 hours after HHSC is notified of the release from a juvenile facility of a child whose eligibility for health benefits coverage under the child health plan has been suspended under this section, to reinstate the child's eligibility. Provides that, following the reinstatement, the child remains eligible until the expiration of the period for which the child was certified as eligible, excluding the period during which the child's eligibility was suspended.

Sec. 62.107. NOTICE OF CERTAIN PLACEMENTS IN JUVENILE FACILITIES. (a) Defines "custodian," "guardian," and "juvenile facility."

(b) Authorizes a juvenile facility to notify HHSC on the placement in the facility of a child who is enrolled in the child health plan.

(c) Requires a juvenile facility, if the juvenile facility chooses to provide the notice described by Subsection (b), to provide the notice electronically or by other appropriate means as soon as possible, but not later than the 30th day, after the date of the child's placement.

(d) Authorizes a juvenile facility to notify HHSC of the release of a child who, immediately before the child's placement in the facility, was enrolled in the child health plan.

(e) Requires a juvenile facility, if the juvenile facility chooses to provide the notice described by Subsection (d), to provide the notice electronically or by other appropriate means not later than 48 hours after the child's release from the facility.

(f) Requires a juvenile facility, if the juvenile facility chooses to provide the notice described by Subsection (d), at the time of the child's release, to provide the child's guardian or custodian, as appropriate, with a written copy of the notice and a telephone number at which HHSC may be contacted regarding confirmation of or assistance relating to reinstatement of the child's eligibility for health benefits coverage under the child health plan.

(g) Requires HHSC to establish a means by which a juvenile facility, or an employee of the facility, may determine whether a child confined in the facility is or was, as appropriate, enrolled in the child health plan for purposes of this section.

(h) Provides that a juvenile facility, or an employee of the facility, is not liable in a civil action for damages resulting from a failure to comply with this section.

SECTION 2. Amends Subchapter B, Chapter 32, Human Resources Code, by adding Sections 32.0264 and 32.0265, as follows:

Sec. 32.0264. SUSPENSION AND AUTOMATIC REINSTATEMENT OF ELIGIBILITY FOR CHILDREN IN JUVENILE FACILITIES. (a) Defines "juvenile facility."

(b) Requires HHSC, to the extent allowed under federal law, if a child is placed in a juvenile facility, to suspend the child's eligibility for medical assistance during the period the child is placed in the facility.

(c) Requires HHSC, not later than 48 hours after HHSC is notified of the release from a juvenile facility of a child whose eligibility for medical assistance has been suspended under this section, to reinstate the child's eligibility. Provides that, following the reinstatement, the child remains eligible until the expiration of the period for which the child was certified as eligible, excluding the period during which the child's eligibility was suspended.

Sec. 32.0265. NOTICE OF CERTAIN CONFINEMENTS IN JUVENILE FACILITIES.

(a) Defines "custodian," "guardian," and "juvenile facility."

(b) Authorizes a juvenile facility to notify HHSC on the placement in the facility of a child who is receiving medical assistance benefits.

(c) Requires a juvenile facility, if the juvenile facility chooses to provide the notice described by Subsection (b), to provide the notice electronically or by other appropriate means as soon as possible, but not later than the 30th day, after the date of the child's confinement.

(d) Authorizes a juvenile facility to notify HHSC of the release of a child who, immediately before the child's placement in the facility, was receiving medical assistance benefits.

(e) Requires a juvenile facility, if the juvenile facility chooses to provide the notice described by Subsection (d), to provide the notice electronically or by other appropriate means not later than 48 hours after the child's release from the facility.

(f) Requires a juvenile facility, if the juvenile facility chooses to provide the notice described by Subsection (d), at the time of the child's release, to provide the child's guardian or custodian, as appropriate, with a written copy of the notice and a telephone number at which HHSC may be contacted regarding confirmation of or assistance relating to reinstatement of the child's eligibility for medical assistance benefits.

(g) Requires HHSC to establish a means by which a juvenile facility, or an employee of the facility, may determine whether a child placed in the facility is or was, as appropriate, receiving medical assistance benefits for purposes of this section.

(h) Provides that a juvenile facility, or an employee of the facility, is not liable in a civil action for damages resulting from a failure to comply with this section.

SECTION 3. Provides that Sections 62.106(b) and 62.107(b), Health and Safety Code, as added by this Act, and Sections 32.0264(b) and 32.0265(b), Human Resources Code, as added by this Act, apply to a child whose period of placement in a juvenile facility begins on or after the effective date of this Act, regardless of the date the child was determined eligible for child health plan coverage under Chapter 62 (Child Health Plan for Certain Low-Income Children), Health and Safety Code, or medical assistance under Chapter 32 (Medical Assistance Program), Human Resources Code.

SECTION 4. Provides that Sections 62.106(c) and 62.107(d), Health and Safety Code, as added by this Act, and Sections 32.0264(c) and 32.0265(d), Human Resources Code, as added by this Act, apply to the release of a child from a juvenile facility that occurs on or after the effective date of this Act, regardless of the date the child was initially placed in the facility.

SECTION 5. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes a delay of implementation until such a waiver or authorization is granted.

SECTION 6. Effective date: upon passage or September 1, 2015.