

BILL ANALYSIS

Senate Research Center
85R20311 EES-D

H.B. 337
By: Collier et al. (Menéndez)
Health & Human Services
5/17/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised regarding the termination of the Medicaid eligibility of an individual who is confined in a county jail regardless of whether the individual has been convicted of an offense. Interested parties note that the process of restoring an individual's Medicaid eligibility on release from confinement is often lengthy, which may leave the individual without access to health care coverage. H.B. 337 addresses this issue by providing a mechanism by which the Medicaid benefits of an individual confined in a county jail may be suspended, rather than terminated, and then reinstated within 48 hours of the individual's release as long as the individual remains eligible while confined in county jail.

H.B. 337 amends current law relating to the continuation of certain public benefits, including medical assistance benefits, for individuals after release from confinement in a county jail.

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 B, Chapter 32, Human Resources Code, by adding Section 32.0266, as follows:

Sec. 32.0266. SUSPENSION, TERMINATION, AND AUTOMATIC REINSTATEMENT OF ELIGIBILITY FOR INDIVIDUALS CONFINED IN COUNTY JAILS. (a) Defines "county jail."

(b) Requires the Health and Human Services Commission (HHSC), if an individual is confined in a county jail because the individual has been charged with but not convicted of an offense, as soon as HHSC becomes aware of the confinement, to suspend the individual's eligibility for medical assistance during the period the individual is confined in the county jail.

(c) Requires HHSC, if an individual is confined in a county jail because the individual has been convicted of an offense, as soon as HHSC becomes aware of the conviction, to, as appropriate, terminate the individual's eligibility for medical assistance or suspend the individual's eligibility during the period the individual is confined in the county jail.

(d) Requires HHSC, not later than 48 hours after HHSC is notified of the release from a county jail of an individual whose eligibility for medical assistance has been suspended under this section, to reinstate the individual's eligibility, provided the individual's eligibility certification period has not elapsed. Provides that, following the reinstatement, the individual remains eligible until the expiration of the period for which the individual was certified as eligible.

SECTION 2. Amends Subchapter C, Chapter 351, Local Government Code, by adding Sections 351.046 and 351.047, as follows:

Sec. 351.046. NOTICE TO CERTAIN GOVERNMENTAL ENTITIES. (a) Defines "medical assistance benefits."

(b) Authorizes the sheriff of a county to notify HHSC upon the confinement of a prisoner in the county jail who is receiving medical assistance benefits and upon the conviction of a prisoner who was receiving medical assistance benefits immediately before confinement.

(c) Requires the sheriff, or an employee of the county or sheriff, if the sheriff of a county chooses to provide the notices described by Subsection (b), to provide the notices electronically or by other appropriate means as soon as possible after the 30th day after the date of the individual's confinement or prisoner's conviction, as applicable.

(d) Authorizes a sheriff, if the sheriff of a county chooses to provide the notices described by Subsection (b), to notify the United States Social Security Administration of the release or discharge of a prisoner who, immediately before confinement, was receiving certain federal supplemental income assistance, and HHSC of the release or discharge of a prisoner who, immediately before confinement, was receiving medical assistance benefits.

(e) Requires the sheriff, if the sheriff of a county provides the notices described by Subsection (d), to provide the notices electronically or by other appropriate means not later than 48 hours after the prisoner's release or discharge from custody.

(f) Requires the sheriff, at the time of the prisoner's release or discharge, if the sheriff provides the notices described by Subsection (d), to provide the prisoner with a written copy of each applicable notice and a telephone number at which the prisoner may contact HHSC regarding confirmation of or assistance relating to reinstatement of the individual's eligibility for medical assistance benefits, if applicable.

(g) Requires HHSC to establish a means by which the sheriff of a county, or an employee of the county or sheriff, may determine whether an individual confined in the county jail is or was, as appropriate, receiving medical assistance benefits for the purposes of this section.

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

Sec. 351.047. ASSISTANCE WITH REINSTATEMENT OF BENEFITS. Authorizes the sheriff of a county to enter into an agreement with a third party experienced in providing reintegration resources or services to former prisoners under which the third party assists a person who is released or discharged from the county jail with the reinstatement of the person's eligibility for certain benefits.

SECTION 3. Makes application of Sections 32.0266(b) and (c), Human Resources Code, and Section 351.046(b), Local Government Code, as added by this Act, prospective.

SECTION 4. Makes application of Section 32.0266(d), Human Resources Code, and Section 351.046(d), Local Government Code, as added by this Act, prospective.

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

SECTION 6. Effective date: September 1, 2017.