

SUBJECT: Maintaining queues on health program waiting lists for military members

COMMITTEE: Defense and Veterans' Affairs — committee substitute recommended

VOTE: 7 ayes — S. King, Frank, Aycock, Blanco, Farias, Schaefer, Shaheen
0 nays

SENATE VOTE: On final passage, March 30 — 30 - 0

WITNESSES: (*On House companion bill, HB 765*)
For — Renee Hopper O'Carolan; Linda Litzinger; Kimberly Salazar;
(*Registered, but did not testify*: Jim Brennan and Morgan Little, Texas
Coalition of Veterans Organizations; Lee Johnson, Texas Council of
Community Centers; Venecia Rachel, Texas Advocates; Lauren Rose,
Texans Care for Children; Eric Woome, Federation of Texas Psychiatry)

Against — None

On — Trina Ita, Department of State Health Services; Gary Jessee, Health
and Human Services Commission; Dale Vande Hey, Department of
Defense; (*Registered, but did not testify*: Elisa Garza, Texas Department
of Aging and Disability Services; Laura York, Department of Assistive
and Rehabilitative Services)

BACKGROUND: Under Government Code, sec. 531.093, each health and human services
agency is required to adopt policies and procedures to:

- identify service members who are seeking services from the agency during the intake and eligibility determination process; and
- direct service members seeking services to the appropriate service providers.

DIGEST: CSSB 169 would require the executive commissioner of the Health and
Human Services Commission (HHSC) to adopt rules requiring the
commission or another health and human services agency to maintain the

place of a person subject to the bill in the queue of an interest list or other waiting list if he or she could not receive benefits under an assistance program because the person temporarily resided out of state due to military service. The rules would hold the person's place on a list for any assistance program, including a waiver program, provided by the commission or another health and human services agency.

These rules would apply to military members who maintained Texas as their legal state of residence, as well as their spouses or dependent children. They also would apply to the spouse or dependent child of a former military member who was a resident of Texas and who was killed in action or died while in service.

The rules would require the commission or another health and human services agency to offer benefits to people according to their position on the interest or other waiting list that they attained while residing out of state if they returned to live in Texas. In adopting these rules, the executive commissioner would be required to limit the amount of time individuals could maintain their positions on interest or other waiting lists to one year after:

- the member's active duty ended; or
- the member's death, if the member died while in service or was killed in action.

If a member, spouse, or dependent subject to the bill reached the top of an interest or other waiting list but was temporarily out of state due to military service, the commission or agency providing the benefit would maintain the person's position on the list but continue offering benefits to others on the list in accordance with their respective positions.

The executive commissioner of HHSC would be required to adopt the rules necessary to implement the bill by December 1, 2015. A state agency that determined that a federal waiver or another authorization was necessary to implement the bill would be required to request it and could delay implementation until receiving it.

This 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, 2015.

**SUPPORTERS
SAY:**

CSSB 169 would protect service people and members of their families from being removed from state waiting lists for health benefits and programs simply because they left the state for temporary military service. Under Department of Aging and Disability Services policies and procedures for managing interest lists for home-and-community based services and home living services, an individual who no longer has a Texas address is removed from an interest list unless the individual temporarily moved out of Texas for military service and provided non-Texas contact information to the authority responsible for maintaining the list. This bill would hold a spot on the list for these military members and their families even without a Texas address and would remove the burden on them to submit updated contact information if military duty took them away from the state temporarily.

CSSB 169 would not grant any additional services or preferential treatment to military members and their families on the interest lists; it simply would hold their place during the time they were called away. The bill would not deny services to a non-military person on the list as a result of holding the place of an absent military member, nor would it allow a service person or family member to move ahead on a list in any fashion.

The bill could be implemented with existing resources and staff. Maintaining the place of a military member or family member on a service list would require only a small automation change in the Health and Human Services Commission system for waiting lists. Although some internal commission policies already address protecting health services for serving military members, this bill would ensure that every family received notice of that process and would solidify this practice in statute.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES: The House companion bill, HB 765 by S. King, was considered in a public hearing of the House Committee on Defense and Veterans Affairs on March 11 and left pending.

CSSB 169 differs from the Senate engrossed version in that the House committee substitute would apply to military members or family that had declared Texas as their state of legal residence, rather than their home of record, under military guidelines.