# BILL ANALYSIS

## DIGEST AND PURPOSE

Currently, the Health and Human Services Commission (HHSC) is required to implement 12 months of continuous eligibility in the children's Medicaid program by June 1, 2003. C.S.S.B. 1522 delays by two years the implementation of 12 months of continuous eligibility, requiring HHSC to implement that provision by June 1, 2005. This bill also authorizes the commissioner of HHSC, by rule, to develop procedures that require certain applicants to have a personal interview with an HHSC representative when it is determined that the information needed to verify eligibility cannot be obtained in any other manner and authorizes HHSC to use third-party information in under certain circumstances..

## RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of the Health and Human Services Commission in SECTION 2 (Section 32.025, Human Resources Code) and SECTION 3 (Section 32.026, Human Resources Code) of this bill.

## SECTION BY SECTION ANALYSIS

SECTION 1. Requires the Health and Human Services Commission (HHSC) or the appropriate state agency operating part of the medical assistance program under Chapter 32, Human Resources Code, to adopt rules required by Section 32.0261, Human Resources Code, as added by this Act, so that the rules take effect in accordance with that section not earlier than September 1, 2002, or later than June 1, 2005, rather than 2003.

SECTION 2. Amends Section 32.025(e), Human Resources Code, as follows:

> (e) Requires HHSC 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 an HHSC office, unless HHSC determines that the information needed to verify eligibility cannot be obtained in that manner. Authorizes the commissioner of the Health and Human Services Commission (commissioner), by rule, to develop procedures that require an application requesting medical assistance to be conducted by a personal interview with an HHSC representative when it is determined that the information needed to verify eligibility cannot be obtained in any other manner.

SECTION 3. Amends Section 32.026, Human Resources Code, by amending Subsection (e) and adding Subsection (g), as follows:

> (e) Requires HHSC 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 an HHSC office, unless HHSC determines that the information needed to verify eligibility cannot be obtained in that manner. Authorizes the commissioner, by rule, to develop procedures that require a recertification review to be conducted by a personal interview with an HHSC representative when it is determined that the information needed to verify eligibility cannot be obtained in any other manner.

(g) Authorizes HHSC, notwithstanding any other provision of this code, to use information obtained from a third party to verify the assets and resources of a person for purposes of determining the person's eligibility and need for medical assistance. Provides that third-party information includes information obtained from certain entities.

SECTION 4. Provides that in the event of a conflict between a provision of this Act and another Act passed by the 78th Legislature, Regular Session, 2003, that becomes law, this Act prevails and controls regardless of the relative dates of enactment.

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

SECTION 6. Effective date: upon passage or September 1, 2003.