

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 72
By: White et al. (Paxton)
Health & Human Services
5/16/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 72 amends current law relating to the provision of Medicaid benefits to certain children formerly in the conservatorship of the Department of Family and Protective Services.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 533.00531, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 162.304(b-1), Family Code, to require the Department of Family and Protective Services (DFPS), subject to the availability of funds, to pay a certain subsidy for a child if the child meets certain criteria, including if the child, after adoption, is not receiving, rather than is not eligible for, medical assistance under Chapter 32 (Medical Assistance Program), Human Resources Code.

SECTION 2. Amends Subchapter A, Chapter 533, Government Code, by adding Section 533.00531, as follows:

Sec. 533.00531. MEDICAID BENEFITS FOR CERTAIN CHILDREN FORMERLY IN FOSTER CARE. (a) Provides that this section applies only with respect to a child who:

(1) resides in this state; and

(2) is eligible for assistance or services under Subchapter D (Adoption Services by the Department of Family and Protective Services), Chapter 162, Family Code, or Subchapter K (Permanency Care Assistance Program), Chapter 264, Family Code.

(b) Requires the Health and Human Services Commission (HHSC), except as provided by Subsection (c), to ensure that each child described by Subsection (a) remains or is enrolled in the STAR Health program unless or until the child is enrolled in another Medicaid managed care program.

(c) Authorizes a child, if a child described by Subsection (a) received Supplemental Security Income (SSI) (42 U.S.C. Section 1381 et seq.) or was receiving SSI before becoming eligible for assistance or services under Subchapter D, Chapter 162, Family Code, or Subchapter K, Chapter 264, Family Code, as applicable, to receive Medicaid benefits in accordance with the program established under this subsection. Requires HHSC, in consultation with DFPS, to the extent permitted by federal law, to develop and implement a program that allows the adoptive parent or permanent managing conservator of a child described by this subsection to elect on behalf of the child to receive or, if applicable, continue receiving Medicaid benefits under the STAR Health program or the STAR Kids managed care program.

(d) Requires HHSC to protect the continuity of care for each child described under this section and, if applicable, ensure coordination between the STAR Health program and any other Medicaid managed care program for each child who is transitioning between Medicaid managed care programs.

(e) Requires the executive commissioner of HHSC to adopt rules necessary to implement this section.

SECTION 3. Repealer: Section 162.304(f) (relating to requiring DFPS, subject to the availability of funds, to work with HHSC and the federal government to develop a program to provide certain medical assistance to certain children), Family Code.

SECTION 4. Requires HHSC, as soon as possible after the effective date of this Act, to apply for and actively pursue from the federal Centers for Medicare and Medicaid Services or other appropriate federal agency any waiver or other authorization necessary to implement Section 533.00531, Government Code, as added by this Act. Authorizes HHSC to delay implementing this Act until the waiver or authorization is granted.

SECTION 5. Requires HHSC to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, HHSC, if the legislature does not appropriate money specifically for that purpose, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 6. Effective date: September 1, 2019.