

SUBJECT: Using state-maintained data sets related to public assistance programs

COMMITTEE: Human Services — favorable, without amendment

VOTE: 6 ayes — Frank, Hull, Klick, Meza, Noble, Shaheen

1 nay — Hinojosa

2 absent — Neave, Rose

SENATE VOTE: On final passage, April 27 — 18-13 (Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini)

WITNESSES: For — Chase Martin, Opportunity Solutions Project

Against — None

On — (*Registered, but did not testify*: Hilary Davis, Health and Human Services Commission)

BACKGROUND: Government Code sec. 531.0214 governs the Medicaid data collection system, which is coordinated and integrated to facilitate the comprehensive analysis of Medicaid data and detect fraud perpetrated by a program provider or client. The Health and Human Service Commission (HHSC) is required to ensure that the database system is used each month to match vital statistics unit death records with a list of persons eligible for Medicaid, and that each deceased person is promptly removed from the list of persons eligible for Medicaid.

Under sec. 531.110, HHSC is required to conduct electronic data matches for a Medicaid recipient at least quarterly to verify the identity, income, employment status, and other factors that affect the eligibility of the recipient.

Interested parties have suggested that making use of state agency-

maintained data sets by requiring regular cross-checks to verify eligibility for public assistance programs could help to deter fraud and waste, saving resources for the intended recipients of such programs.

DIGEST: SB 1341 would require that on a monthly basis, the Health and Human Services Commission (HHSC):

- conduct electronic data matches with the Texas Lottery Commission to determine if a recipient of supplemental nutrition assistance program (SNAP) benefits or a recipient's household member received reportable lottery winnings;
- use the Medicaid data collection system to match vital statistics unit death records with a list of individuals eligible for financial assistance under the Temporary Assistance for Needy Families (TANF) program or SNAP benefits, and ensure that any individual receiving assistance who was discovered deceased had their eligibility for assistance promptly terminated; and
- review the out-of-state electronic benefit transfer card transactions made by a recipient of SNAP benefits to determine whether those transactions indicated a possible change in the recipient's residence.

A recipient who failed to disclose lottery winnings that were required to be reported to HHSC under a public assistance program would presumptively commit a program violation.

HHSC would have to immediately review the eligibility of a recipient of public assistance benefits if the commission discovered information that affected the recipient's eligibility. To the extent not otherwise provided by applicable laws, HHSC would be required to develop and implement, in accordance with the bill's provisions, methods for reducing abuse, fraud, and waste in public assistance programs.

The HHSC executive commissioner would have to adopt rules necessary for implementation of such provisions.

Electronic data matching program. The bill also would expand the

commission's quarterly duty to conduct electronic data matches for Medicaid recipients to include quarterly data matches for recipients of benefits under a public assistance program. A public assistance program would include Medicaid, TANF, and a nutritional assistance program under applicable law, including SNAP.

HHSC would have to enter a memorandum of understanding with each state agency from which data was required to conduct electronic data matching.

Determination of eligibility by health care exchanges. HHSC would be prohibited from accepting Medicaid eligibility determinations from an exchange established under federal law. The commission could accept eligibility assessments from such an exchange, but the commission would be required to determine the eligibility of an individual for Medicaid.

The bill would take effect September 1, 2021.