

BILL ANALYSIS

Senate Research Center
87R6074 BDP-F

S.B. 1911
By: Blanco
Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In the 85th Legislature, H.B. 2466 required the Health and Human Services Commission (HHSC) to amend the Medicaid application to allow Medicaid applicants to indicate their preferred contact methods. The application explains these preferences would be shared with the managed care organizations (MCOs).

There are concerns that the newly added application language did not inform applicants about the privacy and security risks of texts and e-mails, and that MCOs would be required to contact the Medicaid member to explain the risks and to document the Medicaid member had accepted the risk. This requirement to contact the Medicaid member negated the purpose of H.B. 2466, which was to capture the Medicaid member's contact preferred methods when she applied for Medicaid benefits. Medicaid members are often difficult to reach by phone to gain their informed consent, and this new requirement creates a barrier to texting and e-mailing Medicaid members.

S.B. 1911 requires HHSC to add language to Medicaid applications to inform applicants of privacy and security risks associated with e-mail and text messages and get their consent to the use of these methods of electronic communication.

As proposed, S.B. 1911 amends current law relating to the content of an application for Medicaid.

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 Section 32.025(g), Human Resources Code, as follows:

(g) Requires that the application form adopted under Section 32.025 (Application for Medical Assistance) include certain questions, including, for all applicants, a certain question regarding the applicant's preferences for being contacted. Sets forth the required text of the form.

SECTION 2. Requires the executive commissioner of the Health and Human Services Commission, not later than January 1, 2022, to adopt a revised application form for medical assistance benefits that conforms to the requirements of Section 32.025(g), Human Resources Code, as amended by this Act.

SECTION 3. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes a delay of implementation until such a waiver or authorization is granted.

SECTION 4. Effective date: upon passage or September 1, 2021.