



POLICY ALERT

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SUPPORT HB 75 – ADMINISTRATIVE APPEAL OF A DENIAL OF FOOD STAMPS OR MEDICAID

On March 22, House Bill 75 by Representative Elliott Naishtat was favorably voted from the House Human Services Committee. HB 75 authorizes a person denied Food Stamps or Medicaid to appeal the decision to state court. Next, HB 75 goes to the House Calendars Committee, which must decide whether and when to schedule the bill for a vote by the full House. We are asking for your help in ensuring that HB 75 gets on the House calendar as soon as possible. *Please contact all members of the House Calendars Committee today and urge them to calendar HB 75 as soon as possible.*

HOUSE BILL 75

- **HB 75 Ensures That Needy Texans Are Treated Fairly**

HB 75 provides for an administrative appeal to state court if HHSC denies a person Food Stamps or Medicaid. Currently, a person cannot appeal beyond HHSC's "fair" hearing and administrative review process. In other words, the same agency that denied the benefits the first time also gets to say whether it was right. Texas is the only state in the nation to deny applicants an administrative appeal to a state court. Texas does provide such an appeal process for most other administrative decisions, so it would be easy to provide such an appeal process for Food Stamps and Medicaid.

- **HB 75 Ensures Accountability**

Given the problems and disruptions in the eligibility system in the past year, coupled with the increasing automation on the application process, HB 75 is more important than ever. Applicants for Food Stamps and Medicaid are facing long delays in receiving services, the rate of "procedural" denials for failure to complete some aspect of the application process has soared, and payment accuracy has decreased.

- **HB 75 is Easy to Implement**

HB 75 requires that an applicant use all the procedures and appeals at HHSC before moving to state court. Once in state court, the case is an appeal, so there is no discovery or trial. The state court refers only to the record already created through the administrative process at HHSC. The state court is limited to reviewing whether HHSC followed the law and whether "some evidence" supports its decision. The state court cannot second-guess HHSC. LBB has estimated that there

would only be 11.5 appeals a month. The right to appeal, however, will help ensure that HHSC treats applicants fairly and follows the law.

What You Can Do

1. Contact the members of the House Calendars Committee and urge them to schedule HB 75 for a house vote as soon as possible. See <http://www.house.state.tx.us/committees/050.htm> for a full listing of House Calendars Committee members.
2. When the bill is scheduled, contact your representative and urge them to vote for HB 75.

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