

By: Guerra

H.B. No. 135

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to expanding eligibility for medical assistance to certain  
3 persons under the federal Patient Protection and Affordable Care  
4 Act.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,  
7 is amended by adding Section 32.02473 to read as follows:

8 Sec. 32.02473. EXPANDED ELIGIBILITY FOR MEDICAL  
9 ASSISTANCE. (a) In this section, "medical assistance expansion  
10 group" means the category of persons who would not be eligible for  
11 medical assistance under the eligibility criteria in effect on  
12 December 31, 2021, but who are eligible for that assistance because  
13 of the requirement of this section.

14 (b) Notwithstanding any other law, the commission shall  
15 provide medical assistance to all persons who apply for that  
16 assistance and for whom federal matching money is available.

17 (c) This section does not establish an entitlement to  
18 benefits under the medical assistance program for persons in the  
19 medical assistance expansion group for whom federal matching money  
20 is not available. Medical assistance benefits for persons in the  
21 medical assistance expansion group terminate at the time federal  
22 funding terminates under the Patient Protection and Affordable Care  
23 Act (Pub. L. No. 111-148) as amended by the Health Care and  
24 Education Reconciliation Act of 2010 (Pub. L. No. 111-152), unless

1 a successor program providing federal funding is created.

2 (d) The executive commissioner shall adopt any rules  
3 necessary to implement any changes in the provision of and  
4 eligibility criteria for medical assistance required by this  
5 section.

6 SECTION 2. Section 32.02473, Human Resources Code, as added  
7 by this Act, applies only to an initial determination or  
8 recertification of eligibility of a person for medical assistance  
9 under Chapter 32, Human Resources Code, made on or after the date  
10 the section is implemented, regardless of the date the person  
11 applied for that assistance.

12 SECTION 3. As soon as possible after the effective date of  
13 this Act, the executive commissioner of the Health and Human  
14 Services Commission shall take all necessary actions to expand  
15 eligibility for medical assistance under Chapter 32, Human  
16 Resources Code, in accordance with Section 32.02473, Human  
17 Resources Code, as added by this Act, including notifying  
18 appropriate federal agencies of that expanded eligibility.

19 SECTION 4. If before implementing any provision of this Act  
20 a state agency determines that a waiver or authorization from a  
21 federal agency is necessary for implementation of that provision,  
22 the agency affected by the provision shall request the waiver or  
23 authorization and may delay implementing that provision until the  
24 waiver or authorization is granted.

25 SECTION 5. This Act takes effect on the 91st day after the  
26 last day of the legislative session.