

By: Talarico

H.B. No. 3267

A BILL TO BE ENTITLED

1 AN ACT

2 relating to establishing the Texas Care Plan Medicaid buy-in  
3 program to provide health benefit plan coverage to certain persons  
4 in this state.

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

6 SECTION 1. Subchapter B, Chapter 531, Government Code, is  
7 amended by adding Section 531.024443 to read as follows:

8 Sec. 531.024443. TEXAS CARE PLAN MEDICAID BUY-IN PROGRAM.

9 (a) In this section, "program" means the Texas Care Plan Medicaid  
10 buy-in program implemented under this section.

11 (b) The commission shall seek a waiver under Section 1115 of  
12 the Social Security Act (42 U.S.C. Section 1315) to implement the  
13 Texas Care Plan Medicaid buy-in program in accordance with this  
14 section.

15 (c) The commission in consultation with the commissioner of  
16 insurance shall develop the program to allow residents of this  
17 state to purchase health benefit plan coverage through Medicaid by  
18 enrolling in a managed care plan offered by a Medicaid managed care  
19 organization.

20 (d) The executive commissioner shall adopt rules for the  
21 program that:

22 (1) establish eligibility requirements for  
23 participation, including:

24 (A) household income limits;

1           (B) a requirement that a program participant be  
2 ineligible for benefits under Medicaid, other than through the  
3 program; and

4           (C) a requirement that a program participant not  
5 have health benefit coverage under another health benefit plan  
6 because the participant does not have access to or cannot afford  
7 coverage through an employer-sponsored health benefit plan; and

8           (2) require financial participation by a program  
9 participant, including a requirement that a program participant  
10 pay, according to a sliding scale based on household income  
11 determined in accordance with commission rules that are consistent  
12 with the cost-sharing reduction eligibility categories provided by  
13 45 C.F.R. Section 155.305(g), a portion of premiums imposed or  
14 cost-sharing payments required under the program.

15           (e) The program must be designed to leverage enhanced  
16 federal medical assistance percentage funding available under the  
17 Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as  
18 amended by the Health Care and Education Reconciliation Act of 2010  
19 (Pub. L. No. 111-152).

20           (f) The program, including benefits offered under the  
21 program, must be substantively identical to the Medicaid buy-in  
22 programs established under Section 531.02444, except:

23           (1) to the extent that programmatic differences are  
24 appropriate because of the populations served by the programs; and

25           (2) that a health benefit plan under the program is not  
26 required to include nonemergency transportation services as  
27 defined by Section 531.02414.

1           SECTION 2. As soon as practicable after the effective date  
2 of this Act, the executive commissioner of the Health and Human  
3 Services Commission shall apply for and actively pursue the waiver  
4 from the Centers for Medicare and Medicaid Services or any other  
5 federal agency required by Section 531.024443(b), Government Code,  
6 as added by this Act. The commission may delay implementing Section  
7 531.024443, Government Code, as added by this Act, until the waiver  
8 applied for under this section is granted.

9           SECTION 3. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2023.