

By: Perry

S.B. No. 1870

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a child's eligibility for the Medicaid buy-in program
3 for children or the medically dependent children (MDCP) waiver
4 program.

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

6 SECTION 1. Section [531.02444](#), Government Code, is amended
7 by amending Subsection (a) and adding Subsection (a-1) to read as
8 follows:

9 (a) The executive commissioner shall develop and implement:

10 (1) a Medicaid buy-in program for persons with
11 disabilities as authorized by the Ticket to Work and Work
12 Incentives Improvement Act of 1999 (Pub. L. No. 106-170) or the
13 Balanced Budget Act of 1997 (Pub. L. No. 105-33); and

14 (2) subject to Subsection (a-1) as authorized by the
15 Deficit Reduction Act of 2005 (Pub. L. No. 109-171), a Medicaid
16 buy-in program for children with disabilities [~~that is~~] described
17 by 42 U.S.C. Section 1396a(cc)(1) whose family incomes do not
18 exceed 300 percent of the applicable federal poverty level.

19 (a-1) The executive commissioner by rule shall increase the
20 maximum family income prescribed by Subsection (a)(2) for
21 determining eligibility for the buy-in program to the maximum
22 family income amount allowable, considering available
23 appropriations for that purpose.

24 SECTION 2. Subchapter B, Chapter [531](#), Government Code, is

1 amended by adding Sections 531.024441 and 531.060111 to read as
2 follows:

3 Sec. 531.024441. MEDICAID BUY-IN PROGRAM FOR CHILDREN:
4 DISABILITY DETERMINATION ASSESSMENT. (a) The commission shall, at
5 the request of a child's legally authorized representative, conduct
6 a disability determination assessment of the child to determine the
7 child's eligibility for the Medicaid buy-in program for children
8 implemented under Section 531.02444.

9 (b) The commission shall directly conduct a disability
10 determination assessment of a child under this section and may not
11 contract with a managed care organization or other entity to
12 conduct the assessment.

13 Sec. 531.060111. MEDICALLY DEPENDENT CHILDREN PROGRAM
14 MEDICAL NECESSITY ASSESSMENT. (a) Notwithstanding Section
15 531.0602 or any other law, the commission shall, at the request of
16 the legally authorized representative of a child who is in the first
17 position on the medically dependent children (MDCP) waiver program
18 interest list, conduct a medical necessity assessment of the child
19 to determine the child's eligibility for that waiver program.

20 (b) The commission shall directly conduct a medical
21 necessity assessment of a child under this section and may not
22 contract with a managed care organization or other entity to
23 conduct the assessment.

24 SECTION 3. (a) Section 531.024441, Government Code, as
25 added by this Act, applies to a request for a disability
26 determination assessment to determine eligibility for the Medicaid
27 buy-in program for children made on or after the effective date of

1 this Act.

2 (b) Section 531.060111, Government Code, as added by this
3 Act, applies to a request for a medical necessity assessment to
4 determine eligibility for the medically dependent children (MDCP)
5 waiver program made on or after the effective date of this Act.

6 SECTION 4. If before implementing any provision of this Act
7 a state agency determines that a waiver or authorization from a
8 federal agency is necessary for implementation of that provision,
9 the agency affected by the provision shall request the waiver or
10 authorization and may delay implementing that provision until the
11 waiver or authorization is granted.

12 SECTION 5. This Act takes effect September 1, 2023.