

By: Coleman

H.B. No. 1868

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the provision of medical assistance to certain legal  
3 immigrants.

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

5 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,  
6 is amended by adding Section 32.0248 to read as follows:

7 Sec. 32.0248. ELIGIBILITY OF CERTAIN ALIENS. (a) The  
8 department shall provide medical assistance in accordance with 8  
9 U.S.C. Section 1612(b), as amended, to a person who:

10 (1) is a qualified alien, as defined by 8 U.S.C.  
11 Sections 1641(b) and (c), as amended;

12 (2) meets the eligibility requirements of the medical  
13 assistance program;

14 (3) entered the United States on or after August 22,  
15 1996; and

16 (4) has resided in the United States for a period of  
17 five years after the date the person entered as a qualified alien.

18 (b) If authorized by federal law, the department shall  
19 provide pregnancy-related medical assistance to the maximum extent  
20 permitted by the federal law to a person who is pregnant and is a  
21 lawfully present alien as defined by 8 C.F.R. Section 103.12, as  
22 amended, including a battered alien as defined by 8 U.S.C. Section  
23 1641(c), as amended, regardless of the date on which the person  
24 entered the United States. The department shall comply with any

1 prerequisite imposed under the federal law for providing medical  
2 assistance under this subsection.

3 SECTION 2. The Health and Human Services Commission or an  
4 agency operating part of the medical assistance program under  
5 Chapter 32, Human Resources Code, is not required to implement this  
6 Act unless a specific appropriation for the implementation is  
7 provided in the General Appropriations Act, Acts of the 78th  
8 Legislature, Regular Session, 2003.

9 SECTION 3. If before implementing any provision of this Act  
10 a state agency determines that a waiver or authorization from a  
11 federal agency is necessary for implementation of that provision,  
12 the agency affected by the provision shall request the waiver or  
13 authorization and may delay implementing that provision until the  
14 waiver or authorization is granted.

15 SECTION 4. This Act takes effect September 1, 2003.