

By: Naishtat

H.B. No. 2581

A BILL TO BE ENTITLED

AN ACT

relating to the Medicaid buy-in program.

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

SECTION 1. Section 531.02444, Government Code, is amended to read as follows:

Sec. 531.02444. MEDICAID BUY-IN PROGRAM FOR CERTAIN PERSONS WITH DISABILITIES. (a) In this section, "waiver services" means services provided under:

(1) the Community-based Alternatives Program;

(2) the Community Living Assistance and Support Services Program;

(3) the Home and Community-based Waiver Services Program; or

(4) any other Section 1915(c) waiver program.

(b) The executive commissioner shall develop and implement a Medicaid buy-in program for persons with disabilities as authorized by the Ticket to Work and Work Incentives Improvement Act of 1999 (Pub. L. No. 106-170) or the Balanced Budget Act of 1997 (Pub. L. No. 105-33).

(c) ~~(b)~~ The executive commissioner shall adopt rules in accordance with federal law that provide for:

(1) eligibility requirements for the program, subject to Subsection (d)(2); and

(2) requirements for participants in the program to

1 pay premiums or cost-sharing payments.

2 (d) In adopting rules under Subsection (c), the executive  
3 commissioner shall:

4 (1) ensure that a Medicaid recipient who receives  
5 waiver services and who otherwise meets the income, resources, and  
6 disability requirements of the program is eligible for the program  
7 to the extent allowed under federal law; and

8 (2) set the maximum household income for eligibility  
9 for the program in an amount equal to 300 percent of the federal  
10 poverty level.

11 (e) The commission shall develop an informational brochure  
12 containing information about the Medicaid buy-in program,  
13 including information about the eligibility requirements for the  
14 program. The commission shall:

15 (1) make the brochure available through the  
16 commission's offices and website; and

17 (2) disseminate the brochure through electronic means  
18 or otherwise to advocacy groups, community organizations, and other  
19 organizations that provide services to persons with disabilities.

20 SECTION 2. If before implementing Section 531.02444(d),  
21 Government Code, as added by this Act, the executive commissioner  
22 of the Health and Human Services Commission determines that an  
23 amendment to this state's Medicaid waiver plan under Section  
24 1915(c) of the federal Social Security Act (42 U.S.C. Section  
25 1396n(c)) or another authorization from the federal Centers for  
26 Medicare and Medicaid Services or any other federal agency is  
27 necessary for implementation of that provision, the executive

1 commissioner shall request and actively pursue that amendment or  
2 other authorization from the appropriate agency as soon as  
3 possible.

4 SECTION 3. This Act takes effect September 1, 2007.