

Amend **CSHB 2962** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) In this section:

(1) "Commission" means the Health and Human Services Commission.

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(3) "FMAP" means the federal medical assistance percentage by which state expenditures under the Medicaid program are matched with federal funds.

(4) "Medicaid program" means the medical assistance program under Chapter 32, Human Resources Code.

(b) Notwithstanding Section 32.0261, Human Resources Code, and subject to Subsection (c) of this section and availability of appropriated funds, rules adopted by the executive commissioner under Section 32.0261, Human Resources Code, providing for a period of continuous eligibility under the Medicaid program during the state fiscal biennium beginning September 1, 2009, for a child under 19 years of age who is determined eligible for Medicaid shall provide that the child remains eligible, without additional review and regardless of changes in the child's resources or income, until the earlier of:

(1) the first anniversary of the date the child's eligibility was determined; or

(2) the child's 19th birthday.

(c) The executive commissioner is required to adopt rules providing for a period of continuous eligibility prescribed by Subsection (b) of this section only if:

(1) for any portion of the period beginning September 1, 2009, and ending December 31, 2010:

(A) this state's FMAP is increased as authorized by Section 5001(c), American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5); and

(B) the applicable percent used in computing that increase is the percent specified in Section 5001(c)(3)(A)(ii) or (iii), American Recovery and Reinvestment Act of 2009 (Pub. L. No.

111-5); and

(2) the receipt by this state of federal funds resulting from the increased FMAP described by Subdivision (1) of this subsection results in general revenue funds otherwise appropriated to the commission becoming available for the purposes of this section.

(d) The commission:

(1) may use appropriated funds that become available as described by Subsection (c)(2) of this section for purposes of this section; and

(2) is not required to obtain prior approval from the governor, the Legislative Budget Board, or any other person or entity to use those funds for purposes of this section.