

By: Naishtat, King of Taylor,  
Howard of Fort Bend, Bohac, Menendez,  
et al.

H.B. No. 166

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to providing home- and community-based support services  
3 under the Medicaid program to persons who are deaf-blind with  
4 multiple disabilities.

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

6 SECTION 1. Subchapter D, Chapter 161, Human Resources Code,  
7 is amended by adding Section 161.076 to read as follows:

8 Sec. 161.076. ELIGIBILITY FOR DEAF-BLIND WITH MULTIPLE  
9 DISABILITIES WAIVER PROGRAM. (a) Subject to the availability of  
10 funds appropriated for that purpose, the department shall provide  
11 home- and community-based services under the deaf-blind with  
12 multiple disabilities waiver program without regard to a person's  
13 age if the person applies for and is otherwise eligible to receive  
14 services under the waiver program.

15 (b) Subsection (a) does not prevent the department from  
16 establishing an age requirement with respect to other programs or  
17 services offered to persons who are deaf-blind and have multiple  
18 disabilities, including the summer outdoor training program for  
19 deaf-blind multihandicapped individuals established under Section  
20 22.036(c).

21 SECTION 2. As soon as practicable after the effective date  
22 of this Act, the executive commissioner of the Health and Human  
23 Services Commission shall apply for and actively pursue an  
24 amendment to this state's deaf-blind with multiple disabilities

1 waiver under Section 1915(c) of the federal Social Security Act (42  
2 U.S.C. Section 1396n(c)) or other authorization from the federal  
3 Centers for Medicare and Medicaid Services or any other federal  
4 agency to implement Section 161.076, Human Resources Code, as added  
5 by this Act, with respect to persons who are younger than 18 years  
6 of age. The Department of Aging and Disability Services may delay  
7 implementing Section 161.076, Human Resources Code, as added by  
8 this Act, until the amendment or other authorization applied for  
9 under this section is granted.

10 SECTION 3. The executive commissioner of the Health and  
11 Human Services Commission shall adopt rules to implement Section  
12 161.076, Human Resources Code, as added by this Act, as soon as  
13 possible after obtaining the amendment or other authorization  
14 required by Section 2 of this Act.

15 SECTION 4. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2009.