

By: Dukes, Martinez, Naishtat, et al.

H.B. No. 744

Substitute the following for H.B. No. 744:

By: Rose

C.S.H.B. No. 744

A BILL TO BE ENTITLED

AN ACT

relating to the restoration of the medically needy program under the state Medicaid program.

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

SECTION 1. RESTORATION OF MEDICALLY NEEDY PROGRAM. (a) In this section:

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

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

(b) Subject to Subsection (c) of this section, during the state fiscal biennium beginning September 1, 2009, the medically needy program under Section 32.024(i), Human Resources Code, as amended by Chapters 198 (H.B. 2292) and 1251 (S.B. 1862), Acts of the 78th Legislature, Regular Session, 2003, that serves certain pregnant women, children, and caretakers must, at a minimum, serve recipients, including adult recipients, in the same manner and at the same level as services were provided to recipients under the medically needy program during the state fiscal biennium ending August 31, 2003.

(c) The Health and Human Services Commission is required to expand the number of recipients served and the services provided in accordance with Subsection (b) of this section only if:

1 (1) for any portion of the period beginning September
2 1, 2009, and ending December 31, 2010:

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

6 (B) the applicable percent used in computing that
7 increase is the percent specified in Section 5001(c)(3)(A)(ii) or
8 (iii), American Recovery and Reinvestment Act of 2009 (Pub. L. No.
9 111-5); and

10 (2) the receipt by this state of federal funds
11 resulting from the increased FMAP described by Subdivision (1) of
12 this subsection results in general revenue funds otherwise
13 appropriated to the Health and Human Services Commission becoming
14 available for the purposes of this section.

15 (d) The Health and Human Services Commission:

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

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

22 SECTION 2. FEDERAL AUTHORIZATION. If before implementing
23 any provision of this Act a state agency determines that a waiver or
24 authorization from a federal agency is necessary for implementation
25 of that provision, the agency affected by the provision shall
26 request the waiver or authorization and may delay implementing that
27 provision until the waiver or authorization is granted.

1 SECTION 3. EFFECTIVE DATE. This Act takes effect
2 immediately if it receives a vote of two-thirds of all the members
3 elected to each house, as provided by Section 39, Article III, Texas
4 Constitution. If this Act does not receive the vote necessary for
5 immediate effect, this Act takes effect September 1, 2009.