

By: Turner of Harris, Edwards, Naishtat,  
Marquez, Dukes, et al.

H.B. No. 1541

Substitute the following for H.B. No. 1541:

By: Rose

C.S.H.B. No. 1541

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the period of continuous eligibility for the Medicaid  
3 program.

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

5 SECTION 1. AUTHORIZATION FOR 12-MONTH PERIOD OF CONTINUOUS  
6 ELIGIBILITY UNDER MEDICAID. (a) In this section:

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

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

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

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

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

1 the earlier of:

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

4 (2) the child's 19th birthday.

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

8 (1) for any portion of the period beginning September  
9 1, 2009, and ending December 31, 2010:

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

13 (B) the applicable percent used in computing that  
14 increase is the percent specified in Section 5001(c)(3)(A)(ii) or  
15 (iii), American Recovery and Reinvestment Act of 2009 (Pub. L. No.  
16 111-5); and

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

22 (d) The commission:

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

26 (2) is not required to obtain prior approval from the  
27 governor, the Legislative Budget Board, or any other person or

1 entity to use those funds for purposes of this section.

2           SECTION 2. FEDERAL AUTHORIZATION. If before implementing  
3 any provision of this Act a state agency determines that a waiver or  
4 authorization from a federal agency is necessary for implementation  
5 of that provision, the agency affected by the provision shall  
6 request the waiver or authorization and may delay implementing that  
7 provision until the waiver or authorization is granted.

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