

AN ACT

relating to providing home-based and community-based support services under the Medicaid program to persons who are deaf-blind with multiple disabilities.

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

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

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

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

SECTION 2. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall apply for and actively pursue an 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 does not make an appropriation. A
16 provision in this Act that creates a new governmental program,
17 creates a new entitlement, or imposes a new duty on a governmental
18 entity is not mandatory during a fiscal period for which the
19 legislature has not made a specific appropriation to implement the
20 provision.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 37 passed the Senate on May 8, 2009, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 37 passed the House on May 18, 2009, by the following vote: Yeas 128, Nays 14, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor