

1-1 By: Zaffirini S.B. No. 37
1-2 (In the Senate - Filed November 10, 2008; February 10, 2009,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; May 1, 2009, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 1, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to providing home-based and community-based support
1-9 services under the Medicaid program to persons who are deaf-blind
1-10 with multiple disabilities.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter D, Chapter 161, Human Resources Code,
1-13 is amended by adding Section 161.076 to read as follows:

1-14 Sec. 161.076. ELIGIBILITY FOR DEAF-BLIND WITH MULTIPLE
1-15 DISABILITIES WAIVER PROGRAM. (a) Subject to the availability of
1-16 funds appropriated for that purpose, the department shall provide
1-17 home-based and community-based services under the deaf-blind with
1-18 multiple disabilities waiver program without regard to a person's
1-19 age if the person applies for and is otherwise eligible to receive
1-20 services under the waiver program.

1-21 (b) Subsection (a) does not prevent the department from
1-22 establishing an age requirement with respect to other programs or
1-23 services offered to persons who are deaf-blind and have multiple
1-24 disabilities, including the summer outdoor training program for
1-25 deaf-blind multihandicapped individuals established under Section
1-26 22.036(c).

1-27 SECTION 2. As soon as practicable after the effective date
1-28 of this Act, the executive commissioner of the Health and Human
1-29 Services Commission shall apply for and actively pursue an
1-30 amendment to this state's deaf-blind with multiple disabilities
1-31 waiver under Section 1915(c) of the federal Social Security Act (42
1-32 U.S.C. Section 1396n(c)) or other authorization from the federal
1-33 Centers for Medicare and Medicaid Services or any other federal
1-34 agency to implement Section 161.076, Human Resources Code, as added
1-35 by this Act, with respect to persons who are younger than 18 years
1-36 of age. The Department of Aging and Disability Services may delay
1-37 implementing Section 161.076, Human Resources Code, as added by
1-38 this Act, until the amendment or other authorization applied for
1-39 under this section is granted.

1-40 SECTION 3. The executive commissioner of the Health and
1-41 Human Services Commission shall adopt rules to implement Section
1-42 161.076, Human Resources Code, as added by this Act, as soon as
1-43 possible after obtaining the amendment or other authorization
1-44 required by Section 2 of this Act.

1-45 SECTION 4. This Act takes effect immediately if it receives
1-46 a vote of two-thirds of all the members elected to each house, as
1-47 provided by Section 39, Article III, Texas Constitution. If this
1-48 Act does not receive the vote necessary for immediate effect, this
1-49 Act takes effect September 1, 2009.

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