

By: Deuell, et al.

S.B. No. 187

A BILL TO BE ENTITLED

AN ACT

relating to a Medicaid buy-in program for certain children with disabilities.

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

SECTION 1. Section 531.02444, Government Code, is amended to read as follows:

Sec. 531.02444. MEDICAID BUY-IN PROGRAMS [~~PROGRAM~~] FOR CERTAIN PERSONS WITH DISABILITIES. (a) The executive commissioner shall develop and implement:

(1) a Medicaid buy-in program for persons with disabilities as authorized by the Ticket to Work and Work Incentives Improvement Act of 1999 (Pub. L. No. 106-170) or the Balanced Budget Act of 1997 (Pub. L. No. 105-33); and

(2) as authorized by the Deficit Reduction Act of 2005 (Pub. L. No. 109-171), a Medicaid buy-in program for disabled children described by 42 U.S.C. Section 1396a(cc)(1) whose family incomes do not exceed 300 percent of the applicable federal poverty level.

(b) The executive commissioner shall adopt rules in accordance with federal law that provide for:

(1) eligibility requirements for each [~~the~~] program described by Subsection (a); and

(2) requirements for participants in the program to pay premiums or cost-sharing payments, subject to Subsection (c).

1 (c) Rules adopted by the executive commissioner under
2 Subsection (b) with respect to the program for disabled children
3 described by Subsection (a)(2) must require a participant to pay
4 monthly premiums according to a sliding scale that is based on
5 family income, subject to the requirements of 42 U.S.C. Sections
6 1396o(i)(2) and (3).

7 SECTION 2. Not later than December 1, 2009, the executive
8 commissioner of the Health and Human Services Commission shall
9 develop and implement the Medicaid buy-in program for disabled
10 children under Section 531.02444, Government Code, as amended by
11 this Act.

12 SECTION 3. If before implementing any provision of this Act
13 a state agency determines that a waiver or authorization from a
14 federal agency is necessary for implementation of that provision,
15 the agency affected by the provision shall request the waiver or
16 authorization and may delay implementing that provision until the
17 waiver or authorization is granted.

18 SECTION 4. This Act does not make an appropriation. This
19 Act takes effect only if a specific appropriation for the
20 implementation of the Act is provided in a general appropriations
21 act of the 81st Legislature.

22 SECTION 5. This Act takes effect September 1, 2009.