

1-1 By: Deuell S.B. No. 187
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; April 21, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 1;
1-6 April 21, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 187 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to a Medicaid buy-in program for certain children with
1-11 disabilities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 531.02444, Government Code, is amended
1-14 to read as follows:

1-15 Sec. 531.02444. MEDICAID BUY-IN PROGRAMS [~~PROGRAM~~] FOR
1-16 CERTAIN PERSONS WITH DISABILITIES. (a) The executive
1-17 commissioner shall develop and implement:

1-18 (1) a Medicaid buy-in program for persons with
1-19 disabilities as authorized by the Ticket to Work and Work
1-20 Incentives Improvement Act of 1999 (Pub. L. No. 106-170) or the
1-21 Balanced Budget Act of 1997 (Pub. L. No. 105-33); and

1-22 (2) as authorized by the Deficit Reduction Act of 2005
1-23 (Pub. L. No. 109-171), a Medicaid buy-in program for disabled
1-24 children described by 42 U.S.C. Section 1396a(cc)(1) whose family
1-25 incomes do not exceed 300 percent of the applicable federal poverty
1-26 level.

1-27 (b) The executive commissioner shall adopt rules in
1-28 accordance with federal law that provide for:

1-29 (1) eligibility requirements for each [~~the~~] program
1-30 described by Subsection (a); and

1-31 (2) requirements for participants in the program to
1-32 pay premiums or cost-sharing payments, subject to Subsection (c).

1-33 (c) Rules adopted by the executive commissioner under
1-34 Subsection (b) with respect to the program for disabled children
1-35 described by Subsection (a)(2) must require a participant to pay
1-36 monthly premiums according to a sliding scale that is based on
1-37 family income, subject to the requirements of 42 U.S.C. Sections
1-38 1396o(i)(2) and (3).

1-39 SECTION 2. Not later than December 1, 2009, the executive
1-40 commissioner of the Health and Human Services Commission shall
1-41 develop and implement the Medicaid buy-in program for disabled
1-42 children under Section 531.02444, Government Code, as amended by
1-43 this Act.

1-44 SECTION 3. If before implementing any provision of this Act
1-45 a state agency determines that a waiver or authorization from a
1-46 federal agency is necessary for implementation of that provision,
1-47 the agency affected by the provision shall request the waiver or
1-48 authorization and may delay implementing that provision until the
1-49 waiver or authorization is granted.

1-50 SECTION 4. This Act does not make an appropriation. This
1-51 Act takes effect only if a specific appropriation for the
1-52 implementation of the Act is provided in a general appropriations
1-53 act of the 81st Legislature.

1-54 SECTION 5. This Act takes effect September 1, 2009.

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