

1-1 By: Perry (Senate Sponsor - Duncan) H.B. No. 2722  
1-2 (In the Senate - Received from the House May 16, 2011;  
1-3 May 16, 2011, read first time and referred to Committee on Health  
1-4 and Human Services; May 20, 2011, reported favorably by the  
1-5 following vote: Yeas 7, Nays 0; May 20, 2011, sent to printer.)

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

1-8 relating to the state Medicaid program as the payor of last resort.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,  
1-11 is amended by adding Section 32.04242 to read as follows:

1-12 Sec. 32.04242. PAYOR OF LAST RESORT. The executive  
1-13 commissioner of the Health and Human Services Commission shall  
1-14 adopt rules to ensure, to the extent allowed by federal law, that  
1-15 the Medicaid program:

1-16 (1) is the payor of last resort; and

1-17 (2) provides reimbursement for services, including  
1-18 long-term care services, only if, and to the extent, other adequate  
1-19 public or private sources of payment are not available.

1-20 SECTION 2. If before implementing any provision of this Act  
1-21 a state agency determines that a waiver or authorization from a  
1-22 federal agency is necessary for implementation of that provision,  
1-23 the agency affected by the provision shall request the waiver or  
1-24 authorization and may delay implementing that provision until the  
1-25 waiver or authorization is granted.

1-26 SECTION 3. This Act takes effect immediately if it receives  
1-27 a vote of two-thirds of all the members elected to each house, as  
1-28 provided by Section 39, Article III, Texas Constitution. If this  
1-29 Act does not receive the vote necessary for immediate effect, this  
1-30 Act takes effect September 1, 2011.

1-31 \* \* \* \* \*