

By: Zaffirini

S.B. No. 45

A BILL TO BE ENTITLED

AN ACT

relating to a Medicaid hospital level of care waiver program for certain medically fragile individuals.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0521 to read as follows:

Sec. 32.0521. HOSPITAL LEVEL OF CARE WAIVER PROGRAM FOR MEDICALLY FRAGILE INDIVIDUALS. (a) The department shall apply for a waiver under Section 1915(c) of the federal Social Security Act (42 U.S.C. Section 1396n(c)) to provide the state with the flexibility to provide medical assistance services outside the scope, amount, or duration of nonwaiver services available to medically fragile individuals who are at least 21 years of age and who require a hospital level of care under the medical assistance program.

(b) The waiver program under this section must include coverage for case management services, attendant care services, rehabilitation, respite and companion care services, private duty nursing, medical equipment and supplies, home health care services, and in-home support services.

(c) To ensure that services subject to this section are cost neutral and not duplicative of other services provided under the medical assistance program, the department shall coordinate the provision of services subject to this section with services

1 provided under other federal waiver programs.

2 SECTION 2. If before implementing any provision of this Act
3 a state agency determines that a waiver or authorization from a
4 federal agency is necessary for implementation of that provision,
5 the agency affected by the provision shall request the waiver or
6 authorization and may delay implementing that provision until the
7 waiver or authorization is granted.

8 SECTION 3. This Act takes effect September 1, 2011.