

By: Munoz, Jr.

H.B. No. 87

A BILL TO BE ENTITLED

AN ACT

relating to the expansion of eligibility for Medicaid in certain counties under the federal Patient Protection and Affordable Care Act.

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

SECTION 1. Subtitle I, Title 4, Government Code, is amended by adding Chapter 540 to read as follows:

CHAPTER 540. WAIVER TO EXPAND MEDICAID IN CERTAIN COUNTIES

Sec. 540.001. DEFINITION. In this chapter, "Medicaid" means the medical assistance program established under Title XIX, Social Security Act (42 U.S.C. Section 1396 et seq.).

Sec. 540.002. FEDERAL AUTHORIZATION FOR MEDICAID EXPANSION IN CERTAIN COUNTIES. (a) On the request of a county and notwithstanding any other law, the executive commissioner shall, on behalf of the county, seek a waiver under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315) to the state Medicaid plan to expand the categories of persons eligible for Medicaid benefits by allowing the county to provide Medicaid benefits to any resident of the county:

(1) who is not otherwise eligible to receive Medicaid benefits under the program established under Chapter 32, Human Resources Code, and operated by the state, including through a waiver, other than one granted under this section, to the program;

(2) who applies to receive Medicaid benefits; and

1 (3) for whom federal matching funds are available
2 under the Patient Protection and Affordable Care Act (Pub. L. No.
3 111-148) as amended by the Health Care and Education Reconciliation
4 Act of 2010 (Pub. L. No. 111-152) to provide Medicaid benefits.

5 (b) The terms of a waiver under this section must:

6 (1) specify how, and with the assistance of what
7 entities, the county will implement and operate a delivery system
8 for the provision of Medicaid benefits to persons described by
9 Subsection (a);

10 (2) specify the role of the commission in facilitating
11 the provision of those Medicaid benefits;

12 (3) identify the sources of funds to be used to pay the
13 state's share of the cost of Medicaid benefits provided by the
14 county;

15 (4) establish qualifications for a person to be
16 considered a resident of the county for purposes of receiving
17 Medicaid benefits from the county; and

18 (5) if appropriate, prescribe changes to the
19 commission's eligibility determination process for Medicaid
20 benefits to accommodate the expanded categories of persons eligible
21 to receive Medicaid benefits from the county.

22 (c) The executive commissioner shall adopt rules necessary
23 to implement this section.

24 SECTION 2. Not later than December 1, 2013, the executive
25 commissioner of the Health and Human Services Commission shall
26 adopt rules necessary to implement Section 540.002, Government
27 Code, as added by this Act, including rules that specify procedures

1 by which a county may request that the executive commissioner seek a
2 waiver under that section.

3 SECTION 3. This Act takes effect October 1, 2013.