

By: Guillen

H.B. No. 373

A BILL TO BE ENTITLED

AN ACT

1
2 relating to medical assistance for individuals residing in certain
3 institutions.

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

5 SECTION 1. Section 32.025, Human Resources Code, is amended
6 by adding Subsections (g) and (h) to read as follows:

7 (g) The department shall accept an application for medical
8 assistance from a person residing in a nursing home who is applying
9 for that assistance under 42 U.S.C. Section 1396a(a)(10)(A)(ii)(V)
10 regardless of whether the person has resided in the nursing home for
11 the period required for eligibility by that section.

12 (h) The department may not determine the eligibility for
13 medical assistance of a person whose application is accepted under
14 Subsection (g) until the period required for eligibility by 42
15 U.S.C. Section 1396a(a)(10)(A)(ii)(V) has elapsed.

16 SECTION 2. If before implementing any provision of this Act
17 a state agency determines that a waiver or authorization from a
18 federal agency is necessary for implementation of that provision,
19 the agency affected by the provision shall request the waiver or
20 authorization and may delay implementing that provision until the
21 waiver or authorization is granted.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2013.