

By: Rodriguez of Bexar

H.B. No. 2950

A BILL TO BE ENTITLED

AN ACT

1
2 relating to expanding eligibility for medical assistance to certain
3 persons under the federal Patient Protection and Affordable Care
4 Act.

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

6 SECTION 1. Chapter 32, Human Resources Code, is amended by
7 adding Subchapter H to read as follows:

8 SUBCHAPTER H. EXPANSION OF ELIGIBILITY FOR MEDICAL ASSISTANCE

9 Sec. 32.351. DEFINITIONS. In this subchapter:

10 (1) "Commission" means the Health and Human Services
11 Commission.

12 (2) "Executive commissioner" means the executive
13 commissioner of the Health and Human Services Commission.

14 (3) "Medical assistance expansion group" means the
15 category of persons who would not be eligible for medical
16 assistance under the eligibility criteria in effect on December 31,
17 2013, but who are eligible for that assistance because of the
18 requirement of Section 32.352(a).

19 (4) "Undocumented immigrant" means a person who:

20 (A) is not a citizen or other national of the
21 United States; and

22 (B) is not lawfully authorized to be present in
23 the United States under the Immigration and Nationality Act (8
24 U.S.C. Section 1101 et seq.) or other federal law.

1 Sec. 32.352. EXPANDED ELIGIBILITY FOR MEDICAL ASSISTANCE
2 UNDER PATIENT PROTECTION AND AFFORDABLE CARE ACT. (a)
3 Notwithstanding any other law and except as provided in Subsection
4 (b) and Section 32.353, the commission shall provide medical
5 assistance to all persons who apply for that assistance and for whom
6 federal matching funds are available under the Patient Protection
7 and Affordable Care Act (Pub. L. No. 111-148) as amended by the
8 Health Care and Education Reconciliation Act of 2010 (Pub. L. No.
9 111-152) to provide that assistance.

10 (b) Nothing in this section authorizes the commission to
11 provide medical assistance to undocumented immigrants.

12 (c) The executive commissioner shall adopt rules regarding
13 the provision of medical assistance as required by this section.

14 Sec. 32.353. RESTRICTED ELIGIBILITY FOR MEDICAL ASSISTANCE
15 UPON CHANGES IN FEDERAL MATCHING FUNDS. (a) Notwithstanding any
16 other law, if the federal medical assistance percentage (FMAP) by
17 which this state's expenditures under the medical assistance
18 program are matched with federal funds that applies with respect to
19 persons in the medical assistance expansion group is less than 90
20 percent:

21 (1) the commission shall notify the Legislative Budget
22 Board; and

23 (2) beginning on the first day of the month following
24 the month in which the federal medical assistance percentage
25 becomes less than 90 percent, the commission shall:

26 (A) cease providing medical assistance to
27 persons in the medical assistance expansion group; and

1 (B) reinstate the eligibility criteria for
2 medical assistance that existed on December 31, 2013.

3 (b) The executive commissioner shall adopt any rules
4 necessary to implement any changes in the provision of and
5 eligibility criteria for medical assistance required by this
6 section.

7 Sec. 32.354. REPORT ON EXPANDED ELIGIBILITY FOR MEDICAL
8 ASSISTANCE. Not later than December 1 of each year during which the
9 commission provides medical assistance to persons in the medical
10 assistance expansion group, the commission shall submit a report to
11 the Legislative Budget Board, the governor, the lieutenant
12 governor, the speaker of the house of representatives, and the
13 standing committees of the senate and the house of representatives
14 having primary jurisdiction over the medical assistance program
15 regarding the effects of expanding eligibility for medical
16 assistance under Section 32.352, including the effects on the
17 quality and cost of health care provided to recipients of medical
18 assistance and other low-income persons.

19 SECTION 2. Section 32.352, Human Resources Code, as added
20 by this Act, applies only to an initial determination or
21 recertification of eligibility of a person for medical assistance
22 under Chapter 32, Human Resources Code, made on or after January 1,
23 2014, regardless of the date the person applied for that
24 assistance.

25 SECTION 3. As soon as possible after the effective date of
26 this Act, the executive commissioner of the Health and Human
27 Services Commission shall take all necessary actions to expand

1 eligibility for medical assistance under Chapter 32, Human
2 Resources Code, beginning January 1, 2014, and in accordance with
3 Section 32.352, Human Resources Code, as added by this Act,
4 including notifying appropriate federal agencies of that expanded
5 eligibility.

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

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2013.