

By: Rodriguez

S.B. No. 1816

A BILL TO BE ENTITLED

AN ACT

relating to the expansion of eligibility for medical assistance to certain persons under the federal Patient Protection and Affordable Care Act and funding of that expansion.

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 32.02472 to read as follows:

Sec. 32.02472. EXPANDED ELIGIBILITY FOR MEDICAL ASSISTANCE UNDER PATIENT PROTECTION AND AFFORDABLE CARE ACT. (a) Notwithstanding any other law, the department shall provide medical assistance to all persons who apply for that assistance and for whom federal matching funds are available under the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152) to provide that assistance.

(b) The state's share of the cost of the medical assistance provided under Subsection (a) to residents of the eight counties in this state with the largest populations as compared to other counties shall be paid by:

(1) funds received by the state through intergovernmental transfers from each hospital district that includes all or any part of any of those counties; or

(2) funds collected from the payment of a quality assurance fee by each hospital required to obtain a license under

1 Chapter 241, Health and Safety Code, that is located in any of those
2 counties.

3 (c) The department shall determine whether to use the
4 funding mechanism specified by Subsection (b)(1) or (b)(2). If the
5 mechanism specified by Subsection (b)(2) is selected, the executive
6 commissioner of the Health and Human Services Commission shall
7 adopt rules regarding the imposition, administration, and
8 collection of the quality assurance fee. The rules must ensure that
9 the state does not collect net revenue from the fee in excess of the
10 amount of the state's share of the cost of providing medical
11 assistance in the counties described in Subsection (b).

12 (d) The state shall pay for the state's share of the cost of
13 the medical assistance provided under Subsection (a) to persons who
14 are residents of counties not described in Subsection (b).

15 (e) Not later than December 1 of each even-numbered year,
16 the department, in conjunction with the Legislative Budget Board,
17 shall report to the governor, the lieutenant governor, the speaker
18 of the house of representatives, and the standing committees of the
19 senate and the house of representatives having primary jurisdiction
20 over the medical assistance program on any savings to the state that
21 result from the expansion of eligibility for medical assistance
22 under Subsection (a).

23 (f) The executive commissioner of the Health and Human
24 Services Commission shall adopt rules regarding the provision of
25 and payment for medical assistance as required by this section.

26 SECTION 2. The change in law made by this Act applies only
27 to an initial determination or recertification of eligibility of a

1 person for medical assistance under Chapter 32, Human Resources
2 Code, made on or after January 1, 2014, regardless of the date the
3 person applied for that assistance.

4 SECTION 3. As soon as possible after the effective date of
5 this Act, the executive commissioner of the Health and Human
6 Services Commission shall take all necessary actions to expand
7 eligibility for medical assistance under Chapter 32, Human
8 Resources Code, in accordance with Section 32.02472, Human
9 Resources Code, as added by this Act, including notifying
10 appropriate federal agencies of that expanded eligibility. If
11 before implementing any provision of this Act a state agency
12 determines that any other waiver or authorization from a federal
13 agency is necessary for implementation of that provision, the
14 agency affected by the provision shall request the waiver or
15 authorization and may delay implementing that provision until the
16 waiver or authorization is granted.

17 SECTION 4. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2013.