

By: Blanco

H.B. No. 4000

A BILL TO BE ENTITLED

AN ACT

relating to the expansion of eligibility for Medicaid by 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. FEDERAL WAIVER TO EXPAND MEDICAID BY 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 BY COUNTIES. (a) The executive commissioner shall seek a waiver under Section 1115 of the 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 a county to provide or coordinate the provision of 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

(3) for whom federal matching funds are available under the Patient Protection and Affordable Care Act (Pub. L. No.

1 111-148) as amended by the Health Care and Education Reconciliation
2 Act of 2010 (Pub. L. No. 111-152) to provide Medicaid benefits.

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

4 (1) specify the requirements for a county to provide
5 or coordinate the provision of Medicaid benefits to persons
6 described by Subsection (a);

7 (2) specify the role of the commission in facilitating
8 the provision of those Medicaid benefits; and

9 (3) require that the state's share of the cost of
10 Medicaid benefits that are provided, or the provision of which is
11 coordinated, by a county and any administrative costs relating to
12 the provision of those benefits be paid by local funds received by
13 the state from the county through intergovernmental transfers.

14 (c) The executive commissioner shall adopt rules necessary
15 to implement this section, including rules that:

16 (1) establish requirements for any delivery system
17 implemented and operated by a county for the provision of Medicaid
18 benefits;

19 (2) establish qualifications for a person to be
20 considered a resident of a county for purposes of receiving
21 Medicaid benefits through the county;

22 (3) prescribe changes to the commission's eligibility
23 determination process for Medicaid benefits to accommodate the
24 expanded categories of persons eligible to receive Medicaid
25 benefits through a county; and

26 (4) establish procedures for the commission to receive
27 local funds from a county through intergovernmental transfers for

1 payment of the state's share of the cost of Medicaid benefits that
2 are provided, or the provision of which is coordinated, by the
3 county and any administrative costs relating to the provision of
4 those benefits.

5 SECTION 2. (a) The Health and Human Services Commission
6 shall actively develop a proposal for the waiver or other
7 authorization from the appropriate federal agency as required by
8 Chapter 540, Government Code, as added by this Act.

9 (b) As soon as possible after the effective date of this
10 Act, the Health and Human Services Commission shall request and
11 actively pursue approval from the appropriate federal agency of the
12 waiver or other authorization developed under Chapter 540,
13 Government Code, as added by this Act.

14 (c) If the waiver or other authorization developed under
15 Chapter 540, Government Code, as added by this Act, is granted by
16 the appropriate federal agency, as soon as possible after the date
17 the waiver or other authorization is granted, the executive
18 commissioner of the Health and Human Services Commission shall
19 adopt the rules required by Section 540.002(c), Government Code, as
20 added by this Act.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2015.