86R9846 KFF-D

By:  Perry S.B. No. 1094

A BILL TO BE ENTITLED

AN ACT

relating to the delivery of Medicaid benefits to certain medically dependent children with private health benefits coverage.

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

SECTION 1.  Section 533.0025(b), Government Code, is amended to read as follows:

(b)  Except as otherwise provided by this section and Section 32.042421, Human Resources Code, and notwithstanding any other law, the commission shall provide Medicaid acute care services through the most cost-effective model of Medicaid capitated managed care as determined by the commission. The commission shall require mandatory participation in a Medicaid capitated managed care program for all persons eligible for Medicaid acute care benefits, but may implement alternative models or arrangements, including a traditional fee-for-service arrangement, if the commission determines the alternative would be more cost-effective or efficient.

SECTION 2.  Sections 533.00253(b) and (d), Government Code, are amended to read as follows:

(b)  Except as provided by Section 32.042421, Human Resources Code, and subject [~~Subject~~] to Section 533.0025, the commission shall operate [~~, in consultation with the Children's Policy Council established under Section 22.035, Human Resources Code, establish~~] a mandatory STAR Kids capitated managed care program tailored to provide Medicaid benefits to children with disabilities. The managed care program [~~developed~~] under this section must:

(1)  provide Medicaid benefits that are customized to meet the health care needs of recipients under the program through a defined system of care;

(2)  better coordinate care of recipients under the program;

(3)  improve the health outcomes of recipients;

(4)  improve recipients' access to health care services;

(5)  achieve cost containment and cost efficiency;

(6)  reduce the administrative complexity of delivering Medicaid benefits;

(7)  reduce the incidence of unnecessary institutionalizations and potentially preventable events by ensuring the availability of appropriate services and care management;

(8)  require a health home; and

(9)  coordinate and collaborate with long-term care service providers and long-term care management providers, if recipients are receiving long-term services and supports outside of the managed care organization.

(d)  The commission shall provide Medicaid benefits through the STAR Kids managed care program operated [~~established~~] under this section to children who are receiving benefits under the medically dependent children (MDCP) waiver program, except that the parent or guardian of a medically dependent child may opt the child out of receiving benefits through the STAR Kids managed care program and instead have the child receive benefits in accordance with Section 32.042421, Human Resources Code. The commission shall ensure that the STAR Kids managed care program provides all of the benefits provided under the medically dependent children (MDCP) waiver program to the extent necessary to implement this subsection.

SECTION 3.  Section 32.0212, Human Resources Code, is amended to read as follows:

Sec. 32.0212.  DELIVERY OF MEDICAL ASSISTANCE. Except as provided by Section 32.042421 and notwithstanding [~~Notwithstanding~~] any other law [~~and subject to Section 533.0025, Government Code~~], the commission shall provide medical assistance for acute care services through the Medicaid managed care system in accordance with [~~implemented under~~] Chapter 533, Government Code, or another Medicaid capitated managed care program.

SECTION 4.  Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.042421 to read as follows:

Sec. 32.042421.  DELIVERY OF MEDICAL ASSISTANCE TO CERTAIN MEDICALLY DEPENDENT CHILDREN WITH PRIVATE HEALTH BENEFITS COVERAGE. (a) The commission shall establish a program to provide medical assistance benefits under a fee-for-service delivery model to a recipient who:

(1)  has private health benefits coverage, including a recipient participating in the health insurance premium payment program under Section 32.0422; and

(2)  is a child receiving benefits under the medically dependent children (MDCP) waiver program.

(b)  In establishing a program under this section, the commission shall ensure that the medical assistance program is the secondary payor for covered benefits after application of the private health benefits coverage.

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

SECTION 5.  If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 6.  This Act takes effect September 1, 2019.