86R33841 KFF-F

By:  Hinojosa, et al. S.B. No. 2138

(Davis of Harris)

Substitute the following for S.B. No. 2138:

By:  Davis of Harris C.S.S.B. No. 2138

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Health and Human Services Commission to retain certain money received by the commission to administer certain Medicaid programs.

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

SECTION 1.  Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.021135 to read as follows:

Sec. 531.021135.  COMMISSION'S AUTHORITY TO RETAIN CERTAIN MONEY TO ADMINISTER CERTAIN MEDICAID PROGRAMS; REPORT REQUIRED. (a)  In this section, "directed payment program" means a delivery system and provider patient initiative implemented by this state under 42 C.F.R. Section 438.6(c).

(b)  This section applies only to money the commission receives from a source other than the general revenue fund to operate a waiver program established under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315) or a directed payment program or successor program as determined by the commission.

(c)  Subject to Subsection (e), the commission may retain from money to which this section applies an amount equal to the estimated costs necessary to administer the program for which the money is received, but not to exceed $8 million for a state fiscal biennium.

(d)  The commission shall spend money retained under this section to assist in paying the costs necessary to administer the program for which the money is received, except that the commission may not use the money to pay any type of administrative cost that, before June 1, 2019, was funded with general revenue.

(e)  If the commission determines that the commission needs additional money to administer a program described by Subsection (b), the commission may, with the approval of the governor and the Legislative Budget Board, retain not more than an additional 0.25 percent of the total amount estimated to be received for the program.

(f)  The commission shall submit an annual report to the governor and the Legislative Budget Board that:

(1)  details the amount of money retained and spent by the commission under this section during the preceding state fiscal year, including a separate detail of any increase in the amount of money retained for a program under Subsection (e);

(2)  contains a transparent description of how the commission used the money described by Subdivision (1); and

(3)  assesses the extent to which the money retained by the commission under this section covered the estimated costs to administer the applicable program and states whether, based on that assessment, the commission adjusted or considered adjustments to the amount retained.

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

SECTION 2.  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 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.