

By: Bernal

H.B. No. 3788

A BILL TO BE ENTITLED

AN ACT

relating to establishing the supporting medically fragile children program.

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

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

SUBCHAPTER I. SUPPORTING MEDICALLY FRAGILE CHILDREN PROGRAM

Sec. 32.401. DEFINITIONS. In this subchapter:

(1) "Program" means the supporting medically fragile children program established under this subchapter.

(2) "Section 1915(c) waiver program" has the meaning assigned by Section 531.001, Government Code.

(3) "STAR Kids managed care program" means the STAR Kids managed care program operated under Section 533.00253, Government Code.

Sec. 32.402. SUPPORTING MEDICALLY FRAGILE CHILDREN PROGRAM. (a) The commission shall develop and implement a program to provide financial assistance to eligible recipients who are in need of the assistance for purposes of receiving or continuing necessary health care services that have been delayed or denied under Medicaid, including care that has been denied pending appeal. Financial assistance under the program must be provided in the form of direct reimbursements to health care providers.

(b) In establishing the program, the commission shall:

1           (1) consult with appropriate stakeholders to  
2 determine:

3                   (A) application and eligibility requirements for  
4 receiving financial assistance under the program; and

5                   (B) how providers will be reimbursed with  
6 financial assistance granted through the program; and

7           (2) designate a person within the commission to act as  
8 an ombudsman for the program and as a point of contact for  
9 recipients, recipients' families, and health care providers.

10       Sec. 32.403. ELIGIBLE RECIPIENTS. To be eligible for  
11 assistance under the program, a recipient must be receiving  
12 benefits under:

13           (1) a Section 1915(c) waiver program, including:

14                   (A) the Medically Dependent Children Program  
15 (MDCP);

16                   (B) the Community Living Assistance and Support  
17 Services (CLASS) waiver program;

18                   (C) the Home and Community-based Services (HCS)  
19 waiver program; and

20                   (D) the Deaf-Blind with Multiple Disabilities  
21 (DBMD) waiver program; or

22           (2) the STAR Kids managed care program.

23       Sec. 32.404. SUPPORTING MEDICALLY FRAGILE CHILDREN  
24 ACCOUNT. (a) The supporting medically fragile children account is  
25 an account in the general revenue fund.

26           (b) The account consists of:

27                   (1) appropriations of money to the account by the

1 legislature;

2 (2) gifts, grants, including federal grants, and other  
3 donations received under Section 32.405; and

4 (3) interest earned on the investment of money in the  
5 account.

6 (c) Money in the account may be appropriated only to the  
7 commission for purposes of the program.

8 (d) The account is exempt from the application of Section  
9 [404.071](#), Government Code.

10 Sec. 32.405. GIFTS, GRANTS, AND DONATIONS. The commission  
11 may accept gifts, grants, and donations from any source that are  
12 made for the purposes of the program. The commission shall deposit  
13 to the credit of the account money received under this section.

14 Sec. 32.406. RULES. The executive commissioner shall adopt  
15 rules necessary to implement this section.

16 SECTION 2. If before implementing any provision of this Act  
17 a state agency determines that a waiver or authorization from a  
18 federal agency is necessary for implementation of that provision,  
19 the agency affected by the provision shall request the waiver or  
20 authorization and may delay implementing that provision until the  
21 waiver or authorization is granted.

22 SECTION 3. This Act takes effect September 1, 2019.