

By: Krause

H.B. No. 3860

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a child's eligibility for the Medicaid buy-in for  
3 children program or the medically dependent children (MDCP) waiver  
4 program.

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

6 SECTION 1. Section [531.02444](#), Government Code, is amended  
7 by amending Subsection (a) and adding Subsection (a-1) to read as  
8 follows:

9 (a) The executive commissioner shall develop and implement:

10 (1) a Medicaid buy-in program for persons with  
11 disabilities as authorized by the Ticket to Work and Work  
12 Incentives Improvement Act of 1999 (Pub. L. No. 106-170) or the  
13 Balanced Budget Act of 1997 (Pub. L. No. 105-33); and

14 (2) subject to Subsection (a-1) as authorized by the  
15 Deficit Reduction Act of 2005 (Pub. L. No. 109-171), a Medicaid  
16 buy-in program for children with disabilities that is described by  
17 42 U.S.C. Section 1396a(cc)(1) whose family incomes do not exceed  
18 300 percent of the applicable federal poverty level.

19 (a-1) The executive commissioner by rule shall increase the  
20 maximum family income prescribed by Subsection (a)(2) for  
21 determining eligibility for the buy-in program under that  
22 subdivision of a child who is eligible for the medically dependent  
23 children (MDCP) waiver program and is on the interest list for that  
24 program to the maximum family income amount allowable, considering

1 available appropriations for that purpose.

2 SECTION 2. Subchapter B, Chapter 531, Government Code, is  
3 amended by adding Sections 531.024441 and 531.0603 to read as  
4 follows:

5 Sec. 531.024441. MEDICAID BUY-IN FOR CHILDREN PROGRAM  
6 DISABILITY DETERMINATION ASSESSMENT. (a) The commission shall, at  
7 the request of a child's legally authorized representative, conduct  
8 a disability determination assessment of the child to determine the  
9 child's eligibility for the Medicaid buy-in for children program  
10 implemented under Section 531.02444.

11 (b) The commission shall directly conduct a disability  
12 determination assessment of a child under this section and may not  
13 contract with a managed care organization or other entity to  
14 conduct the assessment.

15 Sec. 531.0603. MEDICALLY DEPENDENT CHILDREN PROGRAM  
16 MEDICAL NECESSITY ASSESSMENT. (a) The commission shall, at the  
17 request of the legally authorized representative of a child who is  
18 in the first position on the medically dependent children (MDCP)  
19 waiver program interest list, conduct a medical necessity  
20 assessment of the child to determine the child's eligibility for  
21 that waiver program.

22 (b) The commission shall directly conduct a medical  
23 necessity assessment of a child under this section and may not  
24 contract with a managed care organization or other entity to  
25 conduct the assessment.

26 SECTION 3. (a) Section 531.024441, Government Code, as  
27 added by this Act, applies to a request for a disability

1 determination assessment to determine eligibility for the Medicaid  
2 buy-in for children program made on or after the effective date of  
3 this Act.

4 (b) Section 531.0603, Government Code, as added by this Act,  
5 applies to a request for a medical necessity assessment to  
6 determine eligibility for the medically dependent children (MDCP)  
7 waiver program made on or after the effective date of this Act.

8 SECTION 4. If before implementing any provision of this Act  
9 a state agency determines that a waiver or authorization from a  
10 federal agency is necessary for implementation of that provision,  
11 the agency affected by the provision shall request the waiver or  
12 authorization and may delay implementing that provision until the  
13 waiver or authorization is granted.

14 SECTION 5. This Act takes effect September 1, 2019.