

By: Neave

H.B. No. 4550

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of certain children for the Medicaid and child health plan programs.

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

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

(a) The executive commissioner shall develop and implement:

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

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

(a-1) The executive commissioner may by rule increase the percentage rate prescribed by Subsection (a)(2) to a rate the executive commissioner determines appropriate taking into account the income eligibility cap set under Section 32.024(1)(3), Human Resources Code.

SECTION 2. Section 62.101(b), Health and Safety Code, is amended to read as follows:

1 (b) The executive commissioner shall establish income
2 eligibility levels consistent with Title XXI, Social Security Act
3 (42 U.S.C. Section 1397aa et seq.), as amended, and any other
4 applicable law or regulations, and subject to the availability of
5 appropriated money, so that a child who is younger than 19 years of
6 age and whose household income is at or below 376 ~~[200]~~ percent of
7 the federal poverty level is eligible for health benefits coverage
8 under the program.

9 SECTION 3. Section 62.102(b), Health and Safety Code, is
10 amended to read as follows:

11 (b) During the sixth month following the date of initial
12 enrollment or reenrollment of an individual whose household income
13 exceeds 348 ~~[185]~~ percent of the federal poverty level, the
14 commission shall:

15 (1) review the individual's household income and may
16 use electronic technology if available and appropriate; and

17 (2) continue to provide coverage if the individual's
18 household income does not exceed the income eligibility limits
19 prescribed by this chapter.

20 SECTION 4. Section 32.024(1), Human Resources Code, is
21 amended to read as follows:

22 (1) The executive commissioner shall set the income
23 eligibility cap for medical assistance for:

24 (1) pregnant women [and infants up to age one] at not
25 less than 130 percent of the federal poverty guidelines;

26 (2) except as provided by Subdivision (3), children
27 under 19 years of age at not less than 250 percent of the federal

1 poverty guidelines; and

2 (3) children under 19 years of age with a disability at
3 not less than 300 percent of the federal poverty guidelines.

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

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