

By: Hinojosa, et al.
(Davis of Harris)

S.B. No. 2138

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

By: Davis of Harris

C.S.S.B. No. 2138

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of the Health and Human Services
3 Commission to retain certain money received by the commission to
4 administer certain Medicaid programs.

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

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

8 Sec. 531.021135. COMMISSION'S AUTHORITY TO RETAIN CERTAIN
9 MONEY TO ADMINISTER CERTAIN MEDICAID PROGRAMS; REPORT REQUIRED.

10 (a) In this section, "directed payment program" means a delivery
11 system and provider patient initiative implemented by this state
12 under 42 C.F.R. Section 438.6(c).

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

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

24 (d) The commission shall spend money retained under this

1 section to assist in paying the costs necessary to administer the
2 program for which the money is received, except that the commission
3 may not use the money to pay any type of administrative cost that,
4 before June 1, 2019, was funded with general revenue.

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

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

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

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

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

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

26 SECTION 2. If before implementing any provision of this Act
27 a state agency determines that a waiver or authorization from a

1 federal agency is necessary for implementation of that provision,
2 the agency affected by the provision shall request the waiver or
3 authorization and may delay implementing that provision until the
4 waiver or authorization is granted.

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