

By: Bernal

H.B. No. 108

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a Medicaid buy-in program for certain low-income individuals through the expansion of Medicaid under the federal Patient Protection and Affordable Care Act.

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

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

SUBCHAPTER H. EXPANSION OF ELIGIBILITY FOR MEDICAL ASSISTANCE

Sec. 32.351. EXPANDED ELIGIBILITY FOR MEDICAL ASSISTANCE UNDER PATIENT PROTECTION AND AFFORDABLE CARE ACT. (a) Notwithstanding any other law, the commission shall provide medical assistance to all persons who apply for that assistance and for whom federal matching funds are available under the Patient Protection and Affordable Care Act (Pub. L. No. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152), to provide that assistance.

(b) The executive commissioner shall adopt rules regarding the provision of medical assistance as required by this section.

Sec. 32.352. ANNUAL REPORT ON EXPANDED ELIGIBILITY FOR MEDICAL ASSISTANCE. Not later than December 1 of each year, the commission shall report to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees of the senate and the house of representatives having primary jurisdiction over the medical assistance program on the

1 effects of expanding eligibility for medical assistance under  
2 Section 32.351, including the effects on:

3 (1) the number of persons in this state who do not have  
4 health benefits coverage;

5 (2) state health care costs, including costs relating  
6 to programs funded with money appropriated out of the general  
7 revenue fund;

8 (3) local health care costs; and

9 (4) charity care and uncompensated care costs for  
10 hospitals.

11 SECTION 2. Subtitle I, Title 4, Government Code, is amended  
12 by adding Chapter 540 to read as follows:

13 CHAPTER 540. PROGRAM TO ENSURE HEALTH BENEFIT PLAN COVERAGE FOR  
14 CERTAIN CHILDREN THROUGH A MEDICAID BUY-IN PROGRAM

15 Sec. 540.0001. PROGRAM FOR HEALTH BENEFIT PLAN COVERAGE FOR  
16 CHILDREN THROUGH A MEDICAID BUY-IN PROGRAM. The commission in  
17 consultation with the commissioner of insurance shall develop and  
18 implement a program that allows certain individuals to purchase  
19 health benefit plan coverage from a managed care organization  
20 enrolled in the state Medicaid program.

21 Sec. 540.0002. ENROLLMENT ELIGIBILITY. (a) A child is  
22 eligible to enroll in a program designed and established under this  
23 chapter if the child:

24 (1) is younger than 19 years of age; and

25 (2) does not have health benefit coverage under a  
26 health benefit plan because the child's family does not have access  
27 to or cannot afford a plan through the private marketplace,

1 including:

2 (A) an employer-sponsored health benefit plan;

3 or

4 (B) a health benefit plan for which an enrollee  
5 receives a premium subsidy under the Patient Protection and  
6 Affordable Care Act (Pub. L. No. 111-148) due to the amount of  
7 family income.

8 Sec. 540.0003. MINIMUM PROGRAM REQUIREMENTS. A program  
9 designed and established under this chapter must:

10 (1) provide children whose family's income is at or  
11 below 200% of the federal poverty level the ability to buy into the  
12 state Medicaid program; and

13 (2) create a sliding-scale premium for families whose  
14 income is between 133% and 200% of the federal poverty level.

15 Sec. 540.0004. RULES. The executive commissioner may adopt  
16 rules necessary to implement this chapter.

17 SECTION 3. Section 32.351, Human Resources Code, as added  
18 by this Act, applies only to an initial determination or  
19 recertification of eligibility of a person for medical assistance  
20 under Chapter 32, Human Resources Code, made on or after the date  
21 the section is implemented, regardless of the date the person  
22 applied for that assistance.

23 SECTION 4. As soon as possible after the effective date of  
24 this Act, the executive commissioner of the Health and Human  
25 Services Commission shall take all necessary actions to expand  
26 eligibility for medical assistance under Chapter 32, Human  
27 Resources Code, in accordance with Section 32.351, Human Resources

1 Code, as added by this Act, including notifying appropriate federal  
2 agencies of that expanded eligibility. If before implementing any  
3 provision of this Act a state agency determines that any other  
4 waiver or authorization from a federal agency is necessary for  
5 implementation of that provision, the agency affected by the  
6 provision shall request the waiver or authorization and may delay  
7 implementing that provision until the waiver or authorization is  
8 granted.

9 SECTION 5. As soon as practicable after the effective date  
10 of this Act, the executive commissioner of the Health and Human  
11 Services Commission shall develop and implement the program  
12 required by Chapter 540, Government Code, as added by this Act.

13 SECTION 6. If before implementing any provision of this Act  
14 a state agency determines that a waiver or authorization from a  
15 federal agency is necessary for implementation of that provision,  
16 the agency affected by the provision shall request the waiver or  
17 authorization and may delay implementing that provision until the  
18 waiver or authorization is granted.

19 SECTION 7. This Act takes effect on the 91st day after the  
20 last day of the legislative session.