By:  Guerra H.B. No. 135

A BILL TO BE ENTITLED

AN ACT

relating to expanding eligibility for medical assistance to certain persons under the federal Patient Protection and Affordable Care Act.

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

SECTION 1.  Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.02473 to read as follows:

Sec. 32.02473.  EXPANDED ELIGIBILITY FOR MEDICAL ASSISTANCE. (a) In this section, "medical assistance expansion group" means the category of persons who would not be eligible for medical assistance under the eligibility criteria in effect on December 31, 2021, but who are eligible for that assistance because of the requirement of this section.

(b)  Notwithstanding any other law, the commission shall provide medical assistance to all persons who apply for that assistance and for whom federal matching money is available.

(c)  This section does not establish an entitlement to benefits under the medical assistance program for persons in the medical assistance expansion group for whom federal matching money is not available. Medical assistance benefits for persons in the medical assistance expansion group terminate at the time federal funding terminates 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), unless a successor program providing federal funding is created.

(d)  The executive commissioner shall adopt any rules necessary to implement any changes in the provision of and eligibility criteria for medical assistance required by this section.

SECTION 2.  Section 32.02473, Human Resources Code, as added by this Act, applies only to an initial determination or recertification of eligibility of a person for medical assistance under Chapter 32, Human Resources Code, made on or after the date the section is implemented, regardless of the date the person applied for that assistance.

SECTION 3.  As soon as possible after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall take all necessary actions to expand eligibility for medical assistance under Chapter 32, Human Resources Code, in accordance with Section 32.02473, Human Resources Code, as added by this Act, including notifying appropriate federal agencies of that expanded eligibility.

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

SECTION 5.  This Act takes effect on the 91st day after the last day of the legislative session.