

By: Bernal

H.B. No. 165

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a supporting medically fragile children program for the  
3 provision of certain necessary health care services to those  
4 children.

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

6 SECTION 1. Chapter 32, Human Resources Code, is amended by  
7 adding Subchapter G to read as follows:

8 SUBCHAPTER G. SUPPORTING MEDICALLY FRAGILE CHILDREN PROGRAM

9 Sec. 32.301. DEFINITIONS. In this subchapter:

10 (1) "Program" means the supporting medically fragile  
11 children program established under this subchapter.

12 (2) "Section 1915(c) waiver program" has the meaning  
13 assigned by Section 531.001, Government Code.

14 (3) "STAR Kids managed care program" means the STAR  
15 Kids managed care program operated under Section 533.00253,  
16 Government Code.

17 Sec. 32.302. SUPPORTING MEDICALLY FRAGILE CHILDREN  
18 PROGRAM. (a) The commission shall develop and implement a program  
19 to provide financial assistance to eligible Medicaid recipients who  
20 are in need of the assistance for purposes of receiving or  
21 continuing necessary health care services that have been delayed or  
22 denied under Medicaid, including care that has been denied pending  
23 appeal. Financial assistance under the program must be provided in  
24 the form of direct reimbursements to health care providers.

1 (b) In establishing the program, the commission shall:

2 (1) consult with appropriate stakeholders to  
3 determine:

4 (A) application and eligibility requirements for  
5 receiving financial assistance under the program; and

6 (B) how providers will be reimbursed with  
7 financial assistance granted through the program; and

8 (2) designate a person within the commission to act as  
9 an ombudsman for the program and as a point of contact for Medicaid  
10 recipients, recipients' families, and health care providers.

11 Sec. 32.303. ELIGIBLE MEDICAID RECIPIENTS. To be eligible  
12 for assistance under the program, a Medicaid recipient must be  
13 receiving benefits under:

14 (1) a Section 1915(c) waiver program, including:

15 (A) the Medically Dependent Children Program  
16 (MDCP);

17 (B) the Community Living Assistance and Support  
18 Services (CLASS) waiver program;

19 (C) the Home and Community-based Services (HCS)  
20 waiver program; and

21 (D) the Deaf-Blind with Multiple Disabilities  
22 (DBMD) waiver program; or

23 (2) the STAR Kids managed care program.

24 Sec. 32.304. SUPPORTING MEDICALLY FRAGILE CHILDREN  
25 ACCOUNT. (a) The supporting medically fragile children account is  
26 an account in the general revenue fund.

27 (b) The account consists of:

1           (1) appropriations of money to the account by the  
2 legislature;

3           (2) gifts, grants, including federal grants, and other  
4 donations received under Section 32.305; and

5           (3) interest earned on the investment of money in the  
6 account.

7           (c) Money in the account may be appropriated only to the  
8 commission for purposes of the program.

9           (d) The account is exempt from the application of Section  
10 404.071, Government Code.

11           Sec. 32.305. GIFTS, GRANTS, AND DONATIONS. The commission  
12 may accept gifts, grants, and donations from any source that are  
13 made for the purposes of the program. The commission shall deposit  
14 money received under this section to the credit of the supporting  
15 medically fragile children account.

16           Sec. 32.306. RULES. The executive commissioner shall adopt  
17 rules necessary to implement this subchapter.

18           SECTION 2. If before implementing any provision of this Act  
19 a state agency determines that a waiver or authorization from a  
20 federal agency is necessary for implementation of that provision,  
21 the agency affected by the provision shall request the waiver or  
22 authorization and may delay implementing that provision until the  
23 waiver or authorization is granted.

24           SECTION 3. This Act takes effect September 1, 2021.