

By: Israel

H.B. No. 389

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the expansion of eligibility for Medicaid to certain  
3 persons under the federal Patient Protection and Affordable Care  
4 Act.

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 H to read as follows:

8 SUBCHAPTER H. EXPANSION OF ELIGIBILITY FOR MEDICAL ASSISTANCE

9 Sec. 32.351. EXPANDED ELIGIBILITY FOR MEDICAL ASSISTANCE  
10 UNDER PATIENT PROTECTION AND AFFORDABLE CARE ACT. (a)  
11 Notwithstanding any other law, the commission shall provide medical  
12 assistance to all persons who apply for that assistance and for whom  
13 federal matching funds are available under the Patient Protection  
14 and Affordable Care Act (Pub. L. No. 111-148), as amended by the  
15 Health Care and Education Reconciliation Act of 2010 (Pub. L. No.  
16 111-152), to provide that assistance.

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

19 Sec. 32.352. ANNUAL REPORT ON EXPANDED ELIGIBILITY FOR  
20 MEDICAL ASSISTANCE. Not later than December 1 of each year, the  
21 commission shall report to the governor, the lieutenant governor,  
22 the speaker of the house of representatives, and the standing  
23 committees of the senate and the house of representatives having  
24 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. Section 32.351, Human Resources Code, as added  
12 by this Act, applies only to an initial determination or  
13 recertification of eligibility of a person for medical assistance  
14 under Chapter 32, Human Resources Code, made on or after January 1,  
15 2022, regardless of the date the person applied for that  
16 assistance.

17 SECTION 3. As soon as possible after the effective date of  
18 this Act, the executive commissioner of the Health and Human  
19 Services Commission shall take all necessary actions to expand  
20 eligibility for medical assistance under Chapter 32, Human  
21 Resources Code, in accordance with Section 32.351, Human Resources  
22 Code, as added by this Act, including notifying appropriate federal  
23 agencies of that expanded eligibility. If before implementing any  
24 provision of this Act a state agency determines that any other  
25 waiver or authorization from a federal agency is necessary for  
26 implementation of that provision, the agency affected by the  
27 provision shall request the waiver or authorization and may delay

1 implementing that provision until the waiver or authorization is  
2 granted.

3         SECTION 4. This Act takes effect January 1, 2022, but only  
4 if the constitutional amendment proposed by the 87th Legislature,  
5 Regular Session, 2021, requiring the state to expand eligibility  
6 for Medicaid to all persons for whom federal matching funds are  
7 available under the federal Patient Protection and Affordable Care  
8 Act is approved by the voters. If that amendment is not approved by  
9 the voters, this Act has no effect.