

By: Bucy

H.B. No. 4311

A BILL TO BE ENTITLED

AN ACT

relating to establishing an assistance program to provide certain health care services to certain medically fragile children.

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

SECTION 1. Subtitle C, Title 2, Human Resources Code, is amended by adding Chapter 37 to read as follows:

CHAPTER 37. MEDICALLY FRAGILE CHILDREN ASSISTANCE PROGRAM

Sec. 37.001. DEFINITIONS. In this chapter:

(1) "Child health plan program" means the child health plan program established under Chapters 62 and 63, Health and Safety Code.

(2) "Medicaid" means the medical assistance program established under Chapter 32.

(3) "Medically fragile child" means a person younger than 21 years of age who is:

(A) chronically ill or disabled and requires indefinite skilled nursing care to maintain the person's existence in the person's home;

(B) temporarily ill or disabled because of premature birth, accident, or trauma and has experienced a temporary lifestyle change requiring skilled nursing care;

(C) suffering from uncontrollable seizures or other chronic illness; or

(D) chronically dependent on medical devices to

1 perform vital bodily functions.

2 (4) "Program" means the program to provide health care  
3 services to medically fragile children established under Section  
4 37.002.

5 (5) "Wrap-around benefits" means a service, including  
6 a pharmacy or medical benefit:

7 (A) not covered under a private health benefit  
8 plan or a public benefit program, including Medicaid and the child  
9 health plan program, in which the child is enrolled; or

10 (B) covered under a private health benefit plan  
11 in which the child is enrolled but the child has exceeded the  
12 private health benefit plan coverage limit.

13 Sec. 37.002. ESTABLISHMENT OF PROGRAM. The commission,  
14 exclusive of Medicaid, by rule shall develop and implement a  
15 program under which health care services are provided to medically  
16 fragile children with a rare and unique disease or medical  
17 condition. The program must:

18 (1) provide benefits based on a child's diagnosis; and

19 (2) be designed to provide wrap-around benefits to  
20 children participating in the program.

21 Sec. 37.003. ELIGIBLE CHILDREN. (a) The executive  
22 commissioner by rule shall identify the diagnoses considered rare  
23 and unique for purposes of determining eligibility under the  
24 program.

25 (b) The executive commissioner may not impose income  
26 eligibility requirements under the program.

27 Sec. 37.004. COVERED HEALTH CARE SERVICES. (a) Eligible

1 health care services under the program must include:

2 (1) specialized nutritional support, including  
3 enteral nutrition;

4 (2) physical or occupational therapy;

5 (3) speech therapy;

6 (4) music therapy;

7 (5) aqua-therapy;

8 (6) hippotherapy;

9 (7) private duty nursing services in home or  
10 educational environments;

11 (8) chiropractic services; and

12 (9) any other health care service or therapy the  
13 commission determines necessary.

14 (b) To receive services under the program, the executive  
15 commissioner may require that a participant provide evidence:

16 (1) from a health care provider that the proposed  
17 services are medically necessary; and

18 (2) if the participant has private health benefit plan  
19 coverage, that:

20 (A) the service is not covered under the plan;

21 (B) the issuer has denied coverage under the  
22 plan; or

23 (C) the participant has met the applicable  
24 coverage limit under the plan.

25 Sec. 37.005. MEDICALLY FRAGILE CHILDREN ASSISTANCE PROGRAM

26 ACCOUNT. (a) The medically fragile children assistance program  
27 account is an account in the general revenue fund.

1        (b) The account consists of:

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

4            (2) gifts, grants, including federal grants, and other  
5 donations received under Section 37.006; and

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

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

10        Sec. 37.006. GIFTS, GRANTS, AND DONATIONS. The commission  
11 may accept gifts, grants, and donations from any source that are  
12 made for the purposes of the program. The commission shall deposit  
13 money received under this section to the credit of the medically  
14 fragile children assistance program account.

15        SECTION 2. Not later than January 1, 2022, the Health and  
16 Human Services Commission shall establish the program to provide  
17 health care services to medically fragile children established  
18 under Section 37.002, Human Resources Code, as added by this Act.

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