

By: West

S.B. No. 217

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 and ensuring the provision of quality care under and the effectiveness of the medical assistance program.

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. DEFINITIONS. In this subchapter:

(1) "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 Section 32.352(a).

(2) "Undocumented immigrant" means a person who:

(A) is not a citizen or other national of the United States; and

(B) is not lawfully authorized to be present in the United States under the Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.) or other federal law.

Sec. 32.352. EXPANDED ELIGIBILITY FOR MEDICAL ASSISTANCE UNDER PATIENT PROTECTION AND AFFORDABLE CARE ACT. (a)

Notwithstanding any other law and except as provided in Subsection

1 (b) and Section 32.353, to the extent money is appropriated to the  
2 commission for that purpose, beginning January 1, 2022, the  
3 commission shall provide medical assistance to all persons who  
4 apply for that assistance and for whom federal matching money is  
5 available under the Patient Protection and Affordable Care Act  
6 (Pub. L. No. 111-148) as amended by the Health Care and Education  
7 Reconciliation Act of 2010 (Pub. L. No. 111-152) to provide that  
8 assistance.

9 (b) Nothing in this section authorizes the commission to  
10 provide medical assistance to undocumented immigrants.

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

13 Sec. 32.353. RESTRICTED ELIGIBILITY FOR MEDICAL ASSISTANCE  
14 ON CHANGES IN FEDERAL MATCHING MONEY. (a) Notwithstanding any  
15 other law, if the federal medical assistance percentage (FMAP) by  
16 which this state's expenditures under the medical assistance  
17 program are matched with federal money, and that applies with  
18 respect to persons in the medical assistance expansion group, is  
19 less than the percentage provided for in the Patient Protection and  
20 Affordable Care Act (Pub. L. No. 111-148) as amended by the Health  
21 Care and Education Reconciliation Act of 2010 (Pub. L. No.  
22 111-152), excluding subsequent amendments:

23 (1) the commission shall alert the Legislative Budget  
24 Board; and

25 (2) beginning on the first day of the month following  
26 the month in which the new federal medical assistance percentage  
27 (FMAP) becomes effective, the commission shall:

1           (A) cease providing medical assistance to  
2 persons in the medical assistance expansion group; and

3           (B) reinstate the eligibility criteria for  
4 medical assistance that existed on December 31, 2021.

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

9           Sec. 32.354. FEDERAL AUTHORIZATION FOR IMPLEMENTATION OF  
10 COST-SHARING OBLIGATIONS FOR MEDICAL ASSISTANCE EXPANSION GROUP.  
11 The executive commissioner shall seek a waiver or other appropriate  
12 authorization from the appropriate federal agency to develop and  
13 implement cost-sharing obligations for the medical assistance  
14 expansion group. Cost-sharing obligations developed by the  
15 commission under this section:

16           (1) must be designed to:

17                   (A) incentivize persons in the medical  
18 assistance expansion group to seek preventive or routine health  
19 care services, rather than emergency health care services, when  
20 possible and appropriate; and

21                   (B) guarantee quality health care for persons in  
22 the medical assistance expansion group;

23           (2) may include:

24                   (A) copayments and deductibles; and

25                   (B) modifications to the reimbursement  
26 methodologies for services provided to persons in the medical  
27 assistance expansion group; and

1           (3) may incorporate any other incentives or strategies  
2 that the commission determines are necessary, including:

3                   (A) expanded use of managed care;

4                   (B) increased reliance on private individual or  
5 employer-based health benefits coverage;

6                   (C) incentives and rewards for participation in  
7 evidence-based wellness activities; and

8                   (D) targeted benefits for chronic illnesses.

9           Sec. 32.355. ANNUAL REPORT ON EXPANDED ELIGIBILITY FOR  
10 MEDICAL ASSISTANCE. Not later than December 1 of each year, the  
11 commission shall report to the governor, the lieutenant governor,  
12 the speaker of the house of representatives, and the standing  
13 committees of the senate and the house of representatives having  
14 primary jurisdiction over the medical assistance program on the  
15 effects of expanding eligibility for medical assistance under  
16 Section 32.352, including the effects on:

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

19                   (2) state health care costs, including costs relating  
20 to programs funded with money appropriated out of the general  
21 revenue fund;

22                   (3) local health care costs; and

23                   (4) charity care and uncompensated care costs for  
24 hospitals.

25           SECTION 2. Section 32.352, Human Resources Code, as added  
26 by this Act, applies only to an initial determination or  
27 recertification of eligibility of a person for medical assistance

1 under Chapter 32, Human Resources Code, made on or after January 1,  
2 2022, regardless of the date the person applied for that  
3 assistance.

4 SECTION 3. As soon as possible after the effective date of  
5 this Act, the executive commissioner of the Health and Human  
6 Services Commission shall take all necessary actions to expand  
7 eligibility for medical assistance under Chapter 32, Human  
8 Resources Code, beginning January 1, 2022, and in accordance with  
9 Section 32.352, Human Resources Code, as added by this Act,  
10 including:

11 (1) notifying appropriate federal agencies of that  
12 expanded eligibility; and

13 (2) establishing work groups or consulting with  
14 stakeholder groups.

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

21 SECTION 5. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2021.