

By: Bernal

H.B. No. 204

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the expansion of eligibility for Medicaid in certain
3 counties 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. Subtitle I, Title 4, Government Code, is amended
7 by adding Chapter 540 to read as follows:

8 CHAPTER 540. FEDERAL WAIVER TO EXPAND MEDICAID IN CERTAIN COUNTIES

9 Sec. 540.0001. DEFINITION. Notwithstanding Section
10 531.001, in this chapter, "Medicaid" means the medical assistance
11 program established under Title XIX, Social Security Act (42 U.S.C.
12 Section 1396 et seq.).

13 Sec. 540.0002. FEDERAL AUTHORIZATION FOR MEDICAID
14 EXPANSION IN CERTAIN COUNTIES. (a) On a county's request and
15 notwithstanding any other law, the executive commissioner shall, on
16 the county's behalf, seek a waiver under Section 1115 of the Social
17 Security Act (42 U.S.C. Section 1315) to the state Medicaid plan to
18 expand the categories of individuals eligible for Medicaid benefits
19 by allowing the county to provide Medicaid benefits to any resident
20 of the county:

21 (1) who is not otherwise eligible to receive Medicaid
22 benefits under the program established under Chapter 32, Human
23 Resources Code, and operated by this state, including through a
24 waiver, other than a waiver sought under this section, to the

1 program;

2 (2) who applies to receive Medicaid benefits; and

3 (3) for whom federal matching funds are available
4 under the Patient Protection and Affordable Care Act (Pub. L. No.
5 111-148) as amended by the Health Care and Education Reconciliation
6 Act of 2010 (Pub. L. No. 111-152) to provide Medicaid benefits.

7 (b) The terms of a waiver under this section must:

8 (1) specify how, and with the assistance of what
9 entities, the county will implement and operate a delivery system
10 for the provision of Medicaid benefits to individuals described by
11 Subsection (a);

12 (2) specify the commission's role in facilitating the
13 provision of those Medicaid benefits;

14 (3) identify the sources of money to be used to pay
15 this state's share of the cost of Medicaid benefits the county
16 provides;

17 (4) establish qualifications for an individual to be
18 considered a resident of the county for purposes of receiving
19 Medicaid benefits from the county; and

20 (5) if appropriate, prescribe changes to the
21 commission's eligibility determination process for Medicaid
22 benefits to accommodate the expanded categories of individuals
23 eligible to receive Medicaid benefits from the county.

24 (c) The executive commissioner shall adopt rules necessary
25 to implement this section.

26 SECTION 2. Not later than December 1, 2023, the executive
27 commissioner of the Health and Human Services Commission shall

1 adopt rules necessary to implement Section 540.0002, Government
2 Code, as added by this Act, including rules that specify procedures
3 by which a county may request that the executive commissioner seek a
4 waiver under that section.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2023.