

By: A. Johnson of Harris

H.B. No. 5085

A BILL TO BE ENTITLED

AN ACT

relating to a child's eligibility for the Medicaid buy-in program for children or the medically dependent children (MDCP) waiver program.

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

SECTION 1. Section 531.02444, Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The executive commissioner shall develop and implement:

(1) a Medicaid buy-in program for persons with disabilities as authorized by the Ticket to Work and Work Incentives Improvement Act of 1999 (Pub. L. No. 106-170) or the Balanced Budget Act of 1997 (Pub. L. No. 105-33); and

(2) subject to Subsection (a-1) as authorized by the Deficit Reduction Act of 2005 (Pub. L. No. 109-171), a Medicaid buy-in program for children with disabilities ~~[that is]~~ described by 42 U.S.C. Section 1396a(cc)(1) whose family incomes do not exceed 300 percent of the applicable federal poverty level.

(a-1) The executive commissioner by rule shall increase the maximum family income prescribed by Subsection (a)(2) for determining eligibility for the buy-in program to the maximum family income amount allowable, considering available appropriations for that purpose.

SECTION 2. Subchapter B, Chapter 531, Government Code, is

amended by adding Sections 531.024441 and 531.060111 to read as follows:

Sec. 531.024441. MEDICAID BUY-IN PROGRAM FOR CHILDREN: DISABILITY DETERMINATION ASSESSMENT. (a) The commission shall, at the request of a child's legally authorized representative, conduct a disability determination assessment of the child to determine the child's eligibility for the Medicaid buy-in program for children implemented under Section 531.02444.

(b) The commission shall directly conduct a disability determination assessment of a child under this section and may not contract with a managed care organization or other entity to conduct the assessment.

Sec. 531.060111. MEDICALLY DEPENDENT CHILDREN PROGRAM MEDICAL NECESSITY ASSESSMENT. (a) Notwithstanding Section 531.0602 or any other law, the commission shall, at the request of the legally authorized representative of a child who is in the first position on the medically dependent children (MDCP) waiver program interest list, conduct a medical necessity assessment of the child to determine the child's eligibility for that waiver program.

(b) The commission shall directly conduct a medical necessity assessment of a child under this section and may not contract with a managed care organization or other entity to conduct the assessment.

SECTION 3. (a) Section 531.024441, Government Code, as added by this Act, applies to a request for a disability determination assessment to determine eligibility for the Medicaid buy-in program for children made on or after the effective date of

1 this Act.

2 (b) Section 531.060111, Government Code, as added by this  
3 Act, applies to a request for a medical necessity assessment to  
4 determine eligibility for the medically dependent children (MDCP)  
5 waiver program made on or after the effective date of this Act.

6 SECTION 4. If before implementing any provision of this Act  
7 a state agency determines that a waiver or authorization from a  
8 federal agency is necessary for implementation of that provision,  
9 the agency affected by the provision shall request the waiver or  
10 authorization and may delay implementing that provision until the  
11 waiver or authorization is granted.

12 SECTION 5. This Act takes effect September 1, 2023.