

By: Parker

S.B. No. 2143

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility for and access to certain Medicaid waiver programs, including the medically dependent children (MDCP) and the Texas home living (TxHmL) waiver programs.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.06012 and 531.06041 and amending Section 531.0604 to read as follows:

Sec. 531.06012. MEDICALLY DEPENDENT CHILDREN (MDCP) WAIVER PROGRAM DIVERSION SLOTS. To the extent possible, the commission shall increase the number of medically dependent children (MDCP) waiver program diversion slots for children who are medically fragile and at high risk of being placed in an institutional setting.

Sec. 531.0604. MEDICALLY DEPENDENT CHILDREN PROGRAM ELIGIBILITY REQUIREMENTS; NURSING FACILITY LEVEL OF CARE. To the extent allowed by federal law, the commission may not require that a child reside in a nursing facility for:

(1) an extended period of time to meet the nursing facility level of care required for the child to be determined eligible for the medically dependent children (MDCP) waiver program; or

(2) any period of time to meet the nursing facility level of care required for the child to be determined eligible for

the medically dependent children (MDCP) waiver program if the child is:

(A) medically fragile; and

(B) accessing the program through a "Money Follows the Person" demonstration project.

Sec. 531.06041. TRANSITION OF CERTAIN CHILDREN TO MEDICALLY DEPENDENT CHILDREN (MDCP) WAIVER PROGRAM. The commission shall transition a child from another Section 1915(c) waiver program to the medically dependent children (MDCP) waiver program if the child:

(1) receives Supplemental Security Income (SSI) (42 U.S.C. Section 1381 et seq.); and

(2) meets the program's level of care criteria for medical necessity for nursing facility care.

SECTION 2. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0521 to read as follows:

Sec. 32.0521. ELIGIBILITY FOR TEXAS HOME LIVING (TxHmL) WAIVER PROGRAM. (a) In this section, "Section 1915(c) waiver program" has the meaning assigned by Section 531.001, Government Code.

(b) To the extent permitted by federal law, an individual is financially eligible to participate in the Texas home living (TxHmL) waiver program if the individual's family income is not more than the special income limit established by the commission for other Section 1915(c) waiver programs, including the home and community-based services (HCS) waiver program.

(c) The commission may not require that an individual who

1 has an approved primary diagnosis of a related condition meet  
2 intelligence quotient criteria to be eligible for the Texas home  
3 living (TxHmL) waiver program.

4       SECTION 3. If before implementing any provision of this Act  
5 a state agency determines that a waiver or authorization from a  
6 federal agency is necessary for implementation of that provision,  
7 the agency affected by the provision shall request the waiver or  
8 authorization and may delay implementing that provision until the  
9 waiver or authorization is granted.

10       SECTION 4. This Act takes effect September 1, 2023.