

By: Manuel

H.B. No. 5220

A BILL TO BE ENTITLED

AN ACT

1
2 relating to provision of and access to services for children with
3 certain health care needs, including access to certain Medicaid
4 waiver programs.

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

6 SECTION 1. Subchapter B, Chapter 526, Government Code, as
7 effective April 1, 2025, is amended by adding Section 526.0061 to
8 read as follows:

9 Sec. 526.0061. TEXAS PREGNANCY AND PARENT SUPPORT NETWORK
10 FOR CERTAIN EXPECTANT PARENTS. (a) In this section, "support
11 network" means the Texas pregnancy and parent support network
12 established under Subsection (b).

13 (b) The commission shall establish a statewide network of
14 service providers, including third-party patient navigators, for
15 expectant parents who receive a prenatal diagnosis for their unborn
16 child of a significant fetal anomaly, rare disorder, or other
17 chronic, medically complex condition or life-altering disability.

18 (c) A third-party patient navigator who provides services
19 under the support network shall:

20 (1) connect expectant and new parents with support and
21 advocacy groups and services, including support groups specific to
22 the diagnosis for their child and relevant to their child's
23 condition or disability; and

24 (2) assist expectant and new parents in navigating the

1 process of accessing and applying for home and community-based
2 supports and services for their child, including medically
3 dependent children (MDCP) waiver program diversion slots under
4 Section 546.0506.

5 SECTION 2. Section 532.0353, Government Code, as effective
6 April 1, 2025, is amended by amending Subsection (a) and adding
7 Subsection (a-1) to read as follows:

8 (a) The executive commissioner shall develop and implement:

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

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

18 (a-1) Notwithstanding any other law, the executive
19 commissioner by rule shall increase the maximum family income
20 prescribed by Subsection (a)(2) for determining eligibility for the
21 buy-in program to the maximum family income amount allowable,
22 considering available appropriations for that purpose.

23 SECTION 3. Subchapter K, Chapter 546, Government Code, as
24 effective April 1, 2025, is amended by adding Sections 546.05031
25 and 546.0506 to read as follows:

26 Sec. 546.05031. ASSESSMENT OF CERTAIN CHILDREN. To the
27 extent possible, the commission shall enroll a child in the

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

2 (1) is on the interest list for the program;

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

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

7 Sec. 546.0506. ALLOCATION AND RESERVATION OF DIVERSION

8 SLOTS. (a) To the extent possible, the commission shall allocate
9 and reserve a portion of medically dependent children (MDCP) waiver
10 program slots as diversion slots for children who:

11 (1) meet the program's level of care criteria for
12 medical necessity for nursing facility care; and

13 (2) are at high risk of being placed in an
14 institutional setting.

15 (b) A parent may apply for a nursing facility diversion slot
16 described by Subsection (a) after the child's birth if the newborn
17 child is determined to be at imminent risk of being placed in an
18 institutional setting.

19 SECTION 4. Subchapter B, Chapter 32, Human Resources Code,
20 is amended by adding Section 32.0521 to read as follows:

21 Sec. 32.0521. ELIGIBILITY FOR TEXAS HOME LIVING (TxHmL)

22 WAIVER PROGRAM. (a) In this section, "Section 1915(c) waiver
23 program" has the meaning assigned by Section 521.0001, Government
24 Code.

25 (b) To the extent permitted by federal law, an individual is
26 financially eligible to participate in the Texas home living
27 (TxHmL) waiver program if the individual's income is not more than

1 the special income limit established by the commission for other
2 Section 1915(c) waiver programs, including the home and
3 community-based services (HCS) waiver program.

4 (c) The commission may not require that an individual who
5 has an approved primary diagnosis of a related condition meet
6 intelligence quotient criteria to be eligible for the Texas home
7 living (TxHmL) waiver program.

8 SECTION 5. As soon as practicable after the effective date
9 of this Act, the executive commissioner of the Health and Human
10 Services Commission shall adopt rules necessary to implement the
11 changes in law made by this Act.

12 SECTION 6. Notwithstanding any other section of this Act,
13 in a state fiscal year, the Health and Human Services Commission is
14 not required to implement a provision in another section of this Act
15 imposing a duty on the commission to take an action, including a
16 provision that the commission determines would require adding
17 additional slots under the medically dependent children (MDCP)
18 waiver program or the Texas home living (TxHmL) waiver program,
19 unless money is specifically appropriated to the commission for
20 that fiscal year to carry out that duty. The commission may
21 implement the provision in that fiscal year to the extent other
22 funding is available to the commission for the implementation.

23 SECTION 7. If before implementing any provision of this Act
24 a state agency determines that a waiver or authorization from a
25 federal agency is necessary for implementation of that provision,
26 the agency affected by the provision shall request the waiver or
27 authorization and may delay implementing that provision until the

1 waiver or authorization is granted.

2 SECTION 8. This Act takes effect September 1, 2025.