

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a medical assistance buy-in program for children with  
3 certain developmental disabilities.

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

5 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,  
6 is amended by adding Section 32.0249 to read as follows:

7 Sec. 32.0249. MEDICAL ASSISTANCE BUY-IN PROGRAM FOR  
8 CHILDREN WITH DEVELOPMENTAL DISABILITIES. (a) The executive  
9 commissioner of the Health and Human Services Commission shall  
10 develop and implement a Medicaid buy-in program, as authorized by  
11 the Deficit Reduction Act of 2005 (Pub. L. No. 109-171), for  
12 children with developmental disabilities who are described by 42  
13 U.S.C. Section 1396a(cc)(1) and whose family incomes do not exceed  
14 300 percent of the applicable federal poverty level.

15 (b) The executive commissioner of the Health and Human  
16 Services Commission shall adopt rules in accordance with federal  
17 law that provide for:

18 (1) eligibility requirements for the program  
19 described by Subsection (a); and

20 (2) requirements for participants in the program to  
21 pay premiums or cost-sharing payments, subject to Subsection (c).

22 (c) Rules adopted by the executive commissioner of the  
23 Health and Human Services Commission under Subsection (b) must  
24 require a participant to pay monthly premiums according to a

1     sliding scale that is based on family income, subject to the  
2     requirements of 42 U.S.C. Sections 1396o(i)(2) and (3).

3             SECTION 2. If before implementing any provision of this Act  
4     a state agency determines that a waiver or authorization from a  
5     federal agency is necessary for implementation of that provision,  
6     the agency affected by the provision shall request the waiver or  
7     authorization and may delay implementing that provision until the  
8     waiver or authorization is granted.

9             SECTION 3. This Act takes effect September 1, 2009.