

1-1 By: Hinojosa S.B. No. 2138
1-2 (In the Senate - Filed March 7, 2019; March 21, 2019, read
1-3 first time and referred to Committee on Health & Human Services;
1-4 April 23, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 23, 2019,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Kolkhorst	X		
1-10	Perry	X		
1-11	Buckingham	X		
1-12	Campbell	X		
1-13	Flores	X		
1-14	Johnson	X		
1-15	Miles	X		
1-16	Powell	X		
1-17	Seliger	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2138 By: Perry

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the authority of the Health and Human Services
1-22 Commission to retain certain money received by the commission to
1-23 administer certain Medicaid programs.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter B, Chapter 531, Government Code, is
1-26 amended by adding Section 531.021135 to read as follows:

1-27 Sec. 531.021135. COMMISSION'S AUTHORITY TO RETAIN CERTAIN
1-28 MONEY TO ADMINISTER CERTAIN MEDICAID PROGRAMS. (a) In this
1-29 section, "directed payment program" means a delivery system and
1-30 provider patient initiative implemented by this state under 42
1-31 C.F.R. Section 438.6(c).

1-32 (b) This section applies only to money the commission
1-33 receives from a source other than the general revenue fund to
1-34 operate a waiver program established under Section 1115 of the
1-35 federal Social Security Act (42 U.S.C. Section 1315) or a directed
1-36 payment program or successor program as determined by the
1-37 commission.

1-38 (c) The commission may retain from money to which this
1-39 section applies an amount equal to the estimated costs necessary to
1-40 administer the program for which the money is received, but not to
1-41 exceed one percent of the total amount estimated to be received for
1-42 the program. The commission shall spend money retained under this
1-43 section as provided by the General Appropriations Act and other
1-44 applicable law.

1-45 (d) The executive commissioner shall adopt rules necessary
1-46 to implement this section.

1-47 SECTION 2. If before implementing any provision of this Act
1-48 a state agency determines that a waiver or authorization from a
1-49 federal agency is necessary for implementation of that provision,
1-50 the agency affected by the provision shall request the waiver or
1-51 authorization and may delay implementing that provision until the
1-52 waiver or authorization is granted.

1-53 SECTION 3. This Act takes effect immediately if it receives
1-54 a vote of two-thirds of all the members elected to each house, as
1-55 provided by Section 39, Article III, Texas Constitution. If this
1-56 Act does not receive the vote necessary for immediate effect, this
1-57 Act takes effect September 1, 2019.

1-58 * * * * *