AN ACT

relating to a Medicaid buy-in program for certain children with disabilities.

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

SECTION 1. Section 531.02444, Government Code, is amended to read as follows:

Sec. 531.02444. MEDICAID BUY-IN PROGRAM FOR CERTAIN PERSONS WITH DISABILITIES. (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) as authorized by the Deficit Reduction Act of 2005 (Pub. L. No. 109-171), a Medicaid buy-in program for disabled children described by 42 U.S.C. Section 1396a(cc)(1) whose family incomes do not exceed 300 percent of the applicable federal poverty level.

(b) The executive commissioner shall adopt rules in accordance with federal law that provide for:

(1) eligibility requirements for each program described by Subsection (a); and

(2) requirements for participants in the program to pay premiums or cost-sharing payments, subject to Subsection (c).
S.B. No. 187

(c) Rules adopted by the executive commissioner under Subsection (b) with respect to the program for disabled children described by Subsection (a)(2) must require a participant to pay monthly premiums according to a sliding scale that is based on family income, subject to the requirements of 42 U.S.C. Sections 1396c(i)(2) and (3).

SECTION 2. Not later than December 1, 2009, the executive commissioner of the Health and Human Services Commission shall develop and implement the Medicaid buy-in program for disabled children under Section 531.02444, Government Code, as amended by this Act.

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

SECTION 4. This Act does not make an appropriation. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 81st Legislature.

SECTION 5. This Act takes effect September 1, 2009.
S.B. No. 187

President of the Senate

I hereby certify that S.B. No. 187 passed the Senate on April 23, 2009, by the following vote: Yeas 29, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 187 passed the House on May 1, 2009, by the following vote: Yeas 124, Nays 6, one present not voting.

Chief Clerk of the House

Approved:

13 MAY '09

Date

Rick Perry
Governor

Filed in the Office of the Secretary of State
9:30am Clock
MAY 13 2009
Secretory of State