AN ACT

relating to providing home-based and community-based support
services under the Medicaid program to persons who are deaf-blind
with multiple disabilities.

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

SECTION 1. Subchapter D, Chapter 161, Human Resources Code,
is amended by adding Section 161.076 to read as follows:

Sec. 161.076. ELIGIBILITY FOR DEAF-BLIND WITH MULTIPLE
DISABILITIES WAIVER PROGRAM. (a) Subject to the availability of
funds appropriated for that purpose, the department shall provide
home-based and community-based services under the deaf-blind with
multiple disabilities waiver program without regard to a person's
age if the person applies for and is otherwise eligible to receive
services under the waiver program.

(b) Subsection (a) does not prevent the department from
establishing an age requirement with respect to other programs or
services offered to persons who are deaf-blind and have multiple
disabilities, including the summer outdoor training program for
defear-blind multihandicapped individuals established under Section
22.036(c).

SECTION 2. As soon as practicable after the effective date
of this Act, the executive commissioner of the Health and Human
Services Commission shall apply for and actively pursue an
amendment to this state's deaf-blind with multiple disabilities
waiver under Section 1915(c) of the federal Social Security Act (42
U.S.C. Section 1396n(c)) or other authorization from the federal
Centers for Medicare and Medicaid Services or any other federal
agency to implement Section 161.076, Human Resources Code, as added
by this Act, with respect to persons who are younger than 18 years
of age. The Department of Aging and Disability Services may delay
implementing Section 161.076, Human Resources Code, as added by
this Act, until the amendment or other authorization applied for
under this section is granted.

SECTION 3. The executive commissioner of the Health and
Human Services Commission shall adopt rules to implement Section
161.076, Human Resources Code, as added by this Act, as soon as
possible after obtaining the amendment or other authorization
required by Section 2 of this Act.

SECTION 4. This Act does not make an appropriation. A
provision in this Act that creates a new governmental program,
creates a new entitlement, or imposes a new duty on a governmental
entity is not mandatory during a fiscal period for which the
legislature has not made a specific appropriation to implement the
provision.

SECTION 5. This Act takes effect immediately if it receives
a vote of two-thirds of all the members elected to each house, as
provided by Section 39, Article III, Texas Constitution. If this
Act does not receive the vote necessary for immediate effect, this
Act takes effect September 1, 2009.
S.B. No. 37

President of the Senate  
John Whitmire

I hereby certify that S.B. No. 37 passed the Senate on May 8, 2009, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 37 passed the House on May 18, 2009, by the following vote: Yeas 128, Nays 14, two present not voting.

Chief Clerk of the House

Approved:

30 May '09  
Date

Rick Perry  
Governor

Filed in the office of the  
Secretary of State  
4 PM, C'Clock

MAY 30 2009  
Secretary of State