

## **BILL ANALYSIS**

Senate Research Center  
81R1002 KLA-D

S.B. 187  
By: Deuell  
Health & Human Services  
3/9/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Some families have an income level high enough to disqualify them from Medicaid benefits but low enough to prevent them from fully paying for the medical care of a disabled child. This situation can result in the family choosing between food and healthcare for their child, a choice no one should have to make.

As proposed, S.B. 187 requires the executive commissioner of the Health and Human Services Commission to develop and implement a Medicaid buy-in program for certain disabled children whose family incomes do not exceed 300 percent of the federal poverty level. The bill requires that participants pay monthly premiums on a sliding scale based on family income.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 1 (Section 531.02444, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 531.02444, Government Code, as follows:

Sec. 531.02444. New heading: MEDICAID BUY-IN PROGRAMS FOR CERTAIN PERSONS WITH DISABILITIES. (a) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to develop and implement 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 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) Requires the executive commissioner to adopt rules in accordance with federal law that provide for eligibility requirements for each program described by Subsection (a), and requirements for participants in the program to pay premiums or cost-sharing payments, subject to Subsection (c).

(c) Requires that the rules adopted by the executive commissioner under Subsection (b) with respect to the program for disabled children described by Subsection (a)(2) 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 1396o(i)(2) and (3).

SECTION 2. Requires the executive commissioner, not later than December 1, 2009, to develop and implement the Medicaid buy-in program for disabled children under Section 531.02444, Government Code, as amended by this Act.

SECTION 3. Requires the executive commissioner, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such waivers or authorizations are granted.

SECTION 4. Effective date: September 1, 2009.