

By: Minjarez

H.B. No. 3368

Substitute the following for H.B. No. 3368:

By: Klick

C.S.H.B. No. 3368

A BILL TO BE ENTITLED

AN ACT

relating to the program of all-inclusive care for the elderly.

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

SECTION 1. Section 32.053, Human Resources Code, is amended by amending Subsections (b) and (e) and adding Subsections (b-1) and (e-1) to read as follows:

(b) The executive commissioner shall adopt rules as necessary to implement this section. In adopting rules, the executive commissioner shall:

(1) use the Bienvivir Senior Health Services of El Paso initiative as a model for the program;

(2) ensure that a person is not required to hold a certificate of authority as a health maintenance organization under Chapter 843, Insurance Code, to provide services under the PACE program;

(3) ensure that participation in the PACE program is available as an alternative to enrollment in a Medicaid managed care plan under Chapter 533, Government Code, for eligible recipients, including recipients eligible for assistance under both the medical assistance and Medicare programs;

(4) ensure that the commission's enrollment broker complies with the requirement under Subsection (b-1) to notify recipients about the PACE program and refer those recipients, as appropriate, to corresponding program sites;

1 (5) ensure that qualified eligible recipients who
2 choose to participate in the PACE program are allowed to enroll in
3 the program [~~managed care organizations that contract under Chapter~~
4 ~~533, Government Code, consider the availability of the PACE program~~
5 ~~when considering whether to refer a recipient to a nursing facility~~
6 ~~or other long-term care facility~~];

7 (6) [and
8 [~~(5)~~] establish protocols for the referral of eligible
9 persons to the PACE program; and

10 (7) ensure that the PACE enrollment census in existing
11 and future corresponding PACE program sites is allowed to grow
12 naturally based on need as determined by the enrollment census.

13 (b-1) The commission's enrollment broker shall:

14 (1) at the time a Medicaid recipient, including a
15 recipient enrolled in a managed care plan under Chapter 533,
16 Government Code, is determined eligible for nursing facility care,
17 if the recipient resides in a PACE program service area:

18 (A) notify the recipient that the recipient may:

19 (i) request an eligibility assessment to
20 participate in the PACE program; and

21 (ii) choose to enroll in the PACE program as
22 an alternative to enrolling in a managed care plan under Chapter
23 533, Government Code; and

24 (B) provide with the notification required by
25 Paragraph (A) educational materials described by Subsection (e-1);
26 and

27 (2) on a monthly basis and by electronic means, refer

1 each recipient described by Subdivision (1) to the PACE program
2 site in the corresponding service area.

3 (e) The commission [~~Department of Aging and Disability~~
4 ~~Services~~] and area agencies on aging shall develop and implement a
5 coordinated plan to promote PACE program sites operating under this
6 section. The executive commissioner shall adopt policies and
7 procedures, including operating guidelines, to ensure that
8 caseworkers and any other appropriate department staff discuss the
9 benefits of participating in the PACE program with long-term care
10 clients.

11 (e-1) The commission shall develop educational materials
12 about the PACE program, including:

13 (1) the benefits of receiving acute care services and
14 long-term care services through the program;

15 (2) contact information for each program service area
16 site; and

17 (3) a statement that reads as follows: "YOU ARE
18 ELIGIBLE TO RECEIVE MEDICAL SERVICES IN OUR HOME THROUGH THE PACE
19 PROGRAM IN YOUR COMMUNITY. PLEASE CONTACT THE TELEPHONE NUMBER
20 BELOW: (telephone number)".

21 SECTION 2. If before implementing any provision of this Act
22 a state agency determines that a waiver or authorization from a
23 federal agency is necessary for implementation of that provision,
24 the agency affected by the provision shall request the waiver or
25 authorization and may delay implementing that provision until the
26 waiver or authorization is granted.

27 SECTION 3. This Act takes effect September 1, 2021.