

By: Howard

H.B. No. 1798

A BILL TO BE ENTITLED

AN ACT

relating to the development of a strategic plan for home and community-based services provided under Medicaid and the child health plan program and the establishment of an advisory committee on home and community-based services.

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

SECTION 1. Chapter 531, Government Code, is amended by adding Subchapter T to read as follows:

SUBCHAPTER T. HOME AND COMMUNITY-BASED SERVICES

Sec. 531.801. DEFINITIONS. In this subchapter:

(1) "Home and community-based services" means:

(A) personal attendant services;

(B) community attendant services;

(C) primary home care;

(D) private duty nursing services;

(E) in-home respite services; and

(F) home therapy services.

(2) "Home and community support services agency" means a person licensed under Chapter 142, Health and Safety Code, who provides for pay or other consideration home health, hospice, or personal assistance services as those terms are defined by Section 142.001, Health and Safety Code, in a client's residence, an independent living environment, or another appropriate location.

Sec. 531.802. STRATEGIC PLAN; REPORT. (a) The commission

1 shall develop and, subject to Subsection (c), implement a strategic
2 plan to ensure that Medicaid recipients and child health plan
3 program enrollees in this state have adequate access to home and
4 community-based services provided by a home and community support
5 services agency.

6 (b) The strategic plan must include:

7 (1) a proposal for developing a rate methodology for
8 each home and community-based service that will ensure adequate
9 access to the service;

10 (2) an assessment of the unmet needs for home and
11 community-based services of Medicaid recipients and child health
12 plan program enrollees;

13 (3) access to care standards specific to each home and
14 community-based services program under Medicaid and the child
15 health plan program, which may include standards based on:

16 (A) the amount of delivered units of service as a
17 percentage of authorized units of service;

18 (B) the number of in-network home and community
19 support services agencies;

20 (C) the types of services provided;

21 (D) the geographic areas served;

22 (E) vacancy rates; and

23 (F) the capacity to provide services; and

24 (4) set dates for achieving the goals identified in
25 the strategic plan.

26 (b-1) Not later than January 1, 2024, the commission shall
27 submit the strategic plan developed under Subsection (b) to the

1 Legislative Budget Board for approval. The board must review and
2 provide the commission with comments on the plan before determining
3 whether to approve the plan. This subsection expires September 1,
4 2025.

5 (c) The commission may not implement the proposal described
6 by Subsection (b)(1) until the Legislative Budget Board approves
7 the strategic plan.

8 (d) Not later than November 1 of each even-numbered year,
9 the commission shall submit a report on the commission's
10 development and implementation of the strategic plan to:

11 (1) the legislature;

12 (2) the governor; and

13 (3) the Legislative Budget Board.

14 Sec. 531.803. ADVISORY COMMITTEE. (a) In this section,
15 "advisory committee" means the home and community-based services
16 advisory committee established under this section.

17 (b) The commission shall establish the home and
18 community-based services advisory committee as an advisory
19 committee or a subcommittee of the medical care advisory committee
20 established under Section 32.022, Human Resources Code, to:

21 (1) advise the commission on:

22 (A) developing a viable long-term payment
23 methodology for home and community-based services; and

24 (B) addressing issues relating to home and
25 community-based services;

26 (2) develop a sustainable strategy to support home and
27 community-based services;

1 (3) make recommendations for cost savings in program
2 areas, including:

- 3 (A) program integrity;
- 4 (B) reductions in hospitalizations;
- 5 (C) prior authorization of services; and
- 6 (D) care coordination efforts; and

7 (4) review and offer comments on the strategic plan
8 described by Section 531.802.

9 (c) The advisory committee is composed of the following
10 members appointed by the executive commissioner:

11 (1) one member who is an ex officio nonvoting
12 representative of the commission; and

13 (2) an odd number, not to exceed 15, of voting members,
14 who are representatives of:

15 (A) at least one Medicaid managed care
16 organization;

17 (B) at least one association representing
18 managed care organizations;

19 (C) at least one association representing home
20 and community support services agencies;

21 (D) at least one association representing
22 Medicaid recipients in this state;

23 (E) at least one rural home and community support
24 services agency providing services to Medicaid recipients;

25 (F) at least one urban home and community support
26 services agency providing services to Medicaid recipients;

27 (G) at least one statewide home and community

1 support services agency providing services to Medicaid recipients;

2 (H) at least one person that provides financial
3 management services;

4 (I) at least one person that provides electronic
5 visit verification services; and

6 (J) another discipline involving expertise in
7 financing Medicaid home and community-based services.

8 (d) A member of the advisory committee serves without
9 compensation.

10 SECTION 2. As soon as practicable after the effective date
11 of this Act, the executive commissioner of the Health and Human
12 Services Commission shall appoint the members of the home and
13 community-based services advisory committee established under
14 Subchapter T, Chapter 531, Government Code, as added by this Act.

15 SECTION 3. This Act takes effect September 1, 2023.