

AN ACT

relating to standards for and services provided by prescribed pediatric extended care centers, including Medicaid reimbursement for those services.

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

SECTION 1. Section 248A.101(b), Health and Safety Code, is amended to read as follows:

(b) To protect the health and safety of the public and ensure the health, safety, and comfort of the minors served by a center, the rules must establish minimum center standards, including:

(1) standards relating to the issuance, renewal, denial, suspension, probation, and revocation of a license to operate a center;

(2) standards relating to the provision of family-centered basic services that include individualized medical, developmental, and family training services;

(3) based on the size of the building and the number of minors served, building construction and renovation standards, including standards for plumbing, electrical, glass, manufactured buildings, accessibility for persons with physical disabilities, and fire protection;

(4) based on the size of the building and the number of minors served, building maintenance conditions relating to

1 plumbing, heating, lighting, ventilation, adequate space, fire  
2 protection, and other conditions;

3 (5) standards relating to the minimum number of and  
4 qualifications required for personnel who provide personal care or  
5 basic services to the minors served;

6 (6) standards relating to the sanitary conditions  
7 within a center and its surroundings, including water supply,  
8 sewage disposal, food handling, and general hygiene;

9 (7) standards relating to the programs offered by the  
10 center to promote and maintain the health and development of the  
11 minors served and to meet the training needs of the minors' parents  
12 or legal guardians;

13 (8) standards relating to physician-prescribed  
14 supportive services;

15 (9) standards relating to transportation services and  
16 as required by Section 248A.1015; and

17 (10) standards relating to maintenance of patient  
18 medical records and program records in accordance with other law  
19 and with accepted professional standards and practices.

20 SECTION 2. Subchapter C, Chapter 248A, Health and Safety  
21 Code, is amended by adding Sections 248A.1015 and 248A.105 to read  
22 as follows:

23 Sec. 248A.1015. TRANSPORTATION STANDARDS. The executive  
24 commissioner by rule shall establish minimum standards for  
25 transportation services as required under Section 248A.101(b)(9).  
26 In adopting rules under this section, the executive commissioner:

27 (1) shall authorize a center to determine:

1 (A) in coordination with a minor client's parent,  
2 guardian, or other legally authorized representative, the schedule  
3 of transportation services; and

4 (B) in coordination with the client's  
5 prescribing physician, the necessary type of provider who must be  
6 present during transportation;

7 (2) shall permit a minor client's parent, guardian, or  
8 other legally authorized representative to decline a center's  
9 transportation services entirely or only on a specific date; and

10 (3) may not:

11 (A) require a plan of care or physician's order  
12 to document a client's need for transportation services to access a  
13 center's services; or

14 (B) consider transportation services as nursing  
15 services included in a client's plan of care.

16 Sec. 248A.105. INTERFERENCE WITH RIGHTS TO DETERMINE  
17 TREATMENT. (a) Except as provided by Subsection (b), any rules the  
18 executive commissioner adopts under this subchapter may not  
19 interfere with the authority of a parent, guardian, or legally  
20 authorized representative of a minor client to make decisions  
21 regarding the treatment provided to the child.

22 (b) The executive commissioner, by rule, may limit the  
23 maximum amount of authorized services provided to a client.

24 SECTION 3. Section 248A.158, Health and Safety Code, is  
25 amended to read as follows:

26 Sec. 248A.158. RELATION TO NURSING SERVICES. (a) Subject  
27 to Subsection (b), nursing [Nursing] services provided to a client

1 by a center must be a [~~one-to-one~~] replacement of private duty  
2 nursing or other skilled nursing services provided in a setting  
3 other than a center unless additional nursing services are  
4 medically necessary.

5 (b) A center may provide nursing services in a group  
6 setting, consistent with appropriate staffing ratios as the  
7 executive commissioner determines.

8 SECTION 4. Subchapter D, Chapter 248A, Health and Safety  
9 Code, is amended by adding Section 248A.159 to read as follows:

10 Sec. 248A.159. ADMISSION FORMS. (a) Before admission to a  
11 center, the center may obtain all required parent or legal guardian  
12 signatures for a patient on one consent document.

13 (b) The consent document must illustrate the involvement of  
14 the parent or legal guardian in developing and establishing the  
15 care and treatment to be provided to the patient in the center.

16 SECTION 5. Subchapter B, Chapter 32, Human Resources Code,  
17 is amended by adding Section 32.0287 to read as follows:

18 Sec. 32.0287. PRESCRIBED PEDIATRIC EXTENDED CARE CENTER  
19 REIMBURSEMENT. (a) In this section, "center" means a prescribed  
20 pediatric extended care center licensed under Chapter 248A, Health  
21 and Safety Code.

22 (b) In adopting rules governing the reimbursement of a  
23 center for services provided under the medical assistance program,  
24 the executive commissioner shall clearly identify the  
25 documentation a center must obtain and maintain to be eligible for  
26 reimbursement. The rules may not:

27 (1) authorize a center to combine documentation for

1 transportation with documentation for other services provided by  
2 the center; or

3 (2) condition reimbursement of non-transportation  
4 services on:

5 (A) a recipient's decision to use transportation  
6 services on a specific date or on an ongoing basis; or

7 (B) a center's obtaining and maintaining  
8 transportation documentation.

9 SECTION 6. As soon as practicable after the effective date  
10 of this Act, the executive commissioner of the Health and Human  
11 Services Commission shall:

12 (1) adopt the rules necessary to implement the changes  
13 in law made by this Act; and

14 (2) update any relevant procedure manuals, including  
15 the Children's Services Handbook, to conform to the changes in law  
16 made by this Act.

17 SECTION 7. If before implementing any provision of this Act  
18 a state agency determines that a waiver or authorization from a  
19 federal agency is necessary for implementation of that provision,  
20 the agency affected by the provision shall request the waiver or  
21 authorization and may delay implementing that provision until the  
22 waiver or authorization is granted.

23 SECTION 8. This Act takes effect September 1, 2023.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3550 was passed by the House on April 28, 2023, by the following vote: Yeas 109, Nays 33, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3550 on May 26, 2023, by the following vote: Yeas 113, Nays 29, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3550 was passed by the Senate, with amendments, on May 24, 2023, by the following vote: Yeas 25, Nays 5.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor