

1-1 By: Rose, et al. (Senate Sponsor - LaMantia) H.B. No. 3550
 1-2 (In the Senate - Received from the House May 1, 2023;
 1-3 May 1, 2023, read first time and referred to Committee on Health &
 1-4 Human Services; May 21, 2023, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 1;
 1-6 May 21, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3550 By: LaMantia

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to standards for and services provided by prescribed
 1-22 pediatric extended care centers, including Medicaid reimbursement
 1-23 for those services.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section [248A.101\(b\)](#), Health and Safety Code, is
 1-26 amended to read as follows:

1-27 (b) To protect the health and safety of the public and
 1-28 ensure the health, safety, and comfort of the minors served by a
 1-29 center, the rules must establish minimum center standards,
 1-30 including:

1-31 (1) standards relating to the issuance, renewal,
 1-32 denial, suspension, probation, and revocation of a license to
 1-33 operate a center;

1-34 (2) standards relating to the provision of
 1-35 family-centered basic services that include individualized
 1-36 medical, developmental, and family training services;

1-37 (3) based on the size of the building and the number of
 1-38 minors served, building construction and renovation standards,
 1-39 including standards for plumbing, electrical, glass, manufactured
 1-40 buildings, accessibility for persons with physical disabilities,
 1-41 and fire protection;

1-42 (4) based on the size of the building and the number of
 1-43 minors served, building maintenance conditions relating to
 1-44 plumbing, heating, lighting, ventilation, adequate space, fire
 1-45 protection, and other conditions;

1-46 (5) standards relating to the minimum number of and
 1-47 qualifications required for personnel who provide personal care or
 1-48 basic services to the minors served;

1-49 (6) standards relating to the sanitary conditions
 1-50 within a center and its surroundings, including water supply,
 1-51 sewage disposal, food handling, and general hygiene;

1-52 (7) standards relating to the programs offered by the
 1-53 center to promote and maintain the health and development of the
 1-54 minors served and to meet the training needs of the minors' parents
 1-55 or legal guardians;

1-56 (8) standards relating to physician-prescribed
 1-57 supportive services;

1-58 (9) standards relating to transportation services and
 1-59 as required by Section 248A.1015; and

1-60 (10) standards relating to maintenance of patient

2-1 medical records and program records in accordance with other law
2-2 and with accepted professional standards and practices.

2-3 SECTION 2. Subchapter C, Chapter 248A, Health and Safety
2-4 Code, is amended by adding Sections 248A.1015 and 248A.105 to read
2-5 as follows:

2-6 Sec. 248A.1015. TRANSPORTATION STANDARDS. The executive
2-7 commissioner by rule shall establish minimum standards for
2-8 transportation services as required under Section 248A.101(b)(9).
2-9 In adopting rules under this section, the executive commissioner:

2-10 (1) shall authorize a center to determine:

2-11 (A) in coordination with a minor client's parent,
2-12 guardian, or other legally authorized representative, the schedule
2-13 of transportation services; and

2-14 (B) in coordination with the client's
2-15 prescribing physician, the necessary type of provider who must be
2-16 present during transportation;

2-17 (2) shall permit a minor client's parent, guardian, or
2-18 other legally authorized representative to decline a center's
2-19 transportation services entirely or only on a specific date; and

2-20 (3) may not:

2-21 (A) require a plan of care or physician's order
2-22 to document a client's need for transportation services to access a
2-23 center's services; or

2-24 (B) consider transportation services as nursing
2-25 services included in a client's plan of care.

2-26 Sec. 248A.105. INTERFERENCE WITH RIGHTS TO DETERMINE
2-27 TREATMENT. (a) Except as provided by Subsection (b), any rules the
2-28 executive commissioner adopts under this subchapter may not
2-29 interfere with the authority of a parent, guardian, or legally
2-30 authorized representative of a minor client to make decisions
2-31 regarding the treatment provided to the child.

2-32 (b) The executive commissioner, by rule, may limit the
2-33 maximum amount of authorized services provided to a client.

2-34 SECTION 3. Section 248A.158, Health and Safety Code, is
2-35 amended to read as follows:

2-36 Sec. 248A.158. RELATION TO NURSING SERVICES. (a) Subject
2-37 to Subsection (b), nursing [Nursing] services provided to a client
2-38 by a center must be a [one-to-one] replacement of private duty
2-39 nursing or other skilled nursing services provided in a setting
2-40 other than a center unless additional nursing services are
2-41 medically necessary.

2-42 (b) A center may provide nursing services in a group
2-43 setting, consistent with appropriate staffing ratios as the
2-44 executive commissioner determines.

2-45 SECTION 4. Subchapter D, Chapter 248A, Health and Safety
2-46 Code, is amended by adding Section 248A.159 to read as follows:

2-47 Sec. 248A.159. ADMISSION FORMS. (a) Before admission to a
2-48 center, the center may obtain all required parent or legal guardian
2-49 signatures for a patient on one consent document.

2-50 (b) The consent document must illustrate the involvement of
2-51 the parent or legal guardian in developing and establishing the
2-52 care and treatment to be provided to the patient in the center.

2-53 SECTION 5. Subchapter B, Chapter 32, Human Resources Code,
2-54 is amended by adding Section 32.0287 to read as follows:

2-55 Sec. 32.0287. PRESCRIBED PEDIATRIC EXTENDED CARE CENTER
2-56 REIMBURSEMENT. (a) In this section, "center" means a prescribed
2-57 pediatric extended care center licensed under Chapter 248A, Health
2-58 and Safety Code.

2-59 (b) In adopting rules governing the reimbursement of a
2-60 center for services provided under the medical assistance program,
2-61 the executive commissioner shall clearly identify the
2-62 documentation a center must obtain and maintain to be eligible for
2-63 reimbursement. The rules may not:

2-64 (1) authorize a center to combine documentation for
2-65 transportation with documentation for other services provided by
2-66 the center; or

2-67 (2) condition reimbursement of non-transportation
2-68 services on:

2-69 (A) a recipient's decision to use transportation

3-1 services on a specific date or on an ongoing basis; or
3-2 (B) a center's obtaining and maintaining
3-3 transportation documentation.

3-4 SECTION 6. As soon as practicable after the effective date
3-5 of this Act, the executive commissioner of the Health and Human
3-6 Services Commission shall:

3-7 (1) adopt the rules necessary to implement the changes
3-8 in law made by this Act; and

3-9 (2) update any relevant procedure manuals, including
3-10 the Children's Services Handbook, to conform to the changes in law
3-11 made by this Act.

3-12 SECTION 7. If before implementing any provision of this Act
3-13 a state agency determines that a waiver or authorization from a
3-14 federal agency is necessary for implementation of that provision,
3-15 the agency affected by the provision shall request the waiver or
3-16 authorization and may delay implementing that provision until the
3-17 waiver or authorization is granted.

3-18 SECTION 8. This Act takes effect September 1, 2023.

3-19

* * * * *