

By: Price, Noble, Ashby

H.B. No. 4169

A BILL TO BE ENTITLED

AN ACT

relating to providing prevocational or similar services under certain Medicaid waiver programs.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0755 to read as follows:

Sec. 32.0755. PREVOCATIONAL SERVICES UNDER CERTAIN WAIVER PROGRAMS. (a) In this section, "prevocational services" means services that are designed to prepare an individual for paid or unpaid work and achieve a generalized result rather than being job-task oriented.

(b) Prevocational services provided under the community living assistance and support services (CLASS) waiver program or another medical assistance waiver program providing long-term services or supports to a medical assistance recipient must be designed to assist the recipient in achieving permanent integrated employment receiving compensation at or above the minimum wage in the recipient's community and in accordance with state and federal law.

(c) The commission shall seek a waiver or other necessary authorization from the appropriate federal agency to include prevocational services as part of the individualized skills and socialization services delivered under a medical assistance waiver program providing long-term services and supports.

1       (d) If the commission's request for a waiver or other  
2 authorization under Subsection (c) is not granted, the commission  
3 shall collaborate with relevant stakeholders and applicable  
4 federal agencies to establish a service similar to prevocational  
5 services in a manner that is authorized by federal law.

6       (e) If the commission is granted a waiver or other  
7 authorization under Subsection (d):

8           (1) the reimbursement rate for the service the  
9 commission establishes under that subsection may not exceed the  
10 reimbursement rate for individualized skills and socialization  
11 services; and

12           (2) if the service is combined with individualized  
13 skills and socialization services, the commission shall ensure the  
14 service may not exceed the total allowable hours or the total costs  
15 for individualized skills and socialization services provided  
16 under a service plan.

17       (f) The executive commissioner by rule shall establish  
18 clearly stated, service-related performance standards applicable  
19 to providers providing prevocational or similar services to  
20 recipients under a medical assistance waiver program in accordance  
21 with this section. The commission shall monitor the performance of  
22 each provider of prevocational or similar services under a medical  
23 assistance waiver program to ensure compliance with those  
24 standards.

25       SECTION 2. (a) As soon as practicable after the effective  
26 date of this Act, the Health and Human Services Commission shall  
27 apply for and actively pursue from the appropriate federal agency

1 the waiver or other authorization required by Section 32.0755(c),  
2 Human Resources Code, as added by this Act. The commission may  
3 delay implementing other provisions of this Act until the waiver or  
4 other authorization applied for under that subsection is granted.

5 (b) If the waiver or other authorization under Section  
6 32.0755(c), Human Resources Code, as added by this Act, is not  
7 granted, the Health and Human Services Commission shall, not later  
8 than the 60th day after the date the waiver or other authorization  
9 is denied, apply for a waiver or other authorization under Section  
10 32.0755(d), Human Resources Code, as added by this Act.

11 SECTION 3. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2023.