

Amend CSHB 2292 by adding the appropriately numbered section as follows:

SECTION ____ . Subchapter B, Chapter 531, Government Code, is amended by adding a new Section 531.076 to read as follows:

Section 531.076 UP TO SIX-BED FACILITY MODEL AUTHORIZED.

(a) The commission shall develop a plan to permit the use of a residential program model of a facility of up to six beds in the Mental Retardation Medicaid Waiver program under the authority of the Department of Mental Health and Mental Retardation.

(b) The plan described in this section shall provide for retaining a three-bed facility model and a planned, organized transition from the four-bed facility model to the six-bed facility model, which shall include:

(1) the evaluation of the feasibility of, and legal and liability considerations related to, the use of contracted workers in a residential setting, including any impediments in current state regulations relating to the elimination of the staff live-in limits and consumer residential assistance delegations, and

(2) the development of a reimbursement rate for each residential model that considers cost factors including but not limited to:

(A) the adequacy of the current rate structure of the three-bed and four-bed facility models and the rate for the six-bed facility model;

(B) the adequacy of the occupancy factor;

(C) the adequacy of the resident leave factor;

(D) the transition costs, including those related to real estate, vehicles, federal safety standards, and consumer movement cost factors; and

(E) the inclusion of the same wage assumptions for direct support staff that are provided under the reimbursement methodology for ICF-MR facilities.

(3) The plan shall be developed with the assistance of a work group which shall include members of the staff of the commission, representatives of public providers, private providers, and advocates. The plan shall be submitted to the

Governor's Office of Budget and Planning, the House Appropriations
Committee, and the Senate Finance Committee not later than
September 1, 2004.