

Amend CSHB 2292 by adding the following appropriately numbered section to the bill and renumbering subsequent sections accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 533, Health and Safety Code, is amended by adding Section 533.0355 to read as follows:

Sec. 533.0355. ALLOCATION OF DUTIES UNDER CERTAIN MEDICAID WAIVER PROGRAMS. (a) In this section, "waiver program" means the mental retardation local authority waiver program established under the state Medicaid program.

(b) A provider of services under the waiver program shall:

(1) develop a person directed plan and an individual program plan for each person who receives services from the provider under the waiver program;

(2) perform justification and implementation functions for the plans described by Subdivision (1);

(3) conduct case management under the waiver program, other than case management under Subsection (c)(4), in accordance with applicable state and federal laws; and

(4) plan, coordinate, and review the provision of services to all persons who receive services from the service provider under the waiver program.

(c) A local mental retardation authority shall:

(1) manage any waiting lists for services under the waiver program;

(2) screen and assess persons who may receive services under the waiver program and perform any functions relating to inventory for those persons and agency planning assessments;

(3) perform functions relating to consumer choice and enrollment for persons who receive services under the waiver program;

(4) conduct case management under the waiver program relating to funding disputes between a service provider and the local mental retardation authority; and

(5) manage an appeals process relating to decisions that affect a person receiving services under the waiver program.

(d) The department shall perform all administrative functions under the waiver program that are not assigned to a

service provider under Subsection (b) or to a local mental retardation authority under Subsection (c). Administrative functions performed by the department include any surveying, certification, and utilization review functions required under the waiver program.

(e) The department shall review case management fees paid under the waiver program to a community center and administrative fees paid under the waiver program to a service provider. The review must include a comparison of fees paid before the implementation of this section with fees paid after the implementation of this section. The department may adjust fees paid based on that review.

(f) The department shall allocate the portion of the gross reimbursement funds paid to a local authority and a service provider for client services for the case management function in accordance with this section and to the extent allowed by law.

(g) The department may adopt rules governing the functions of a local mental retardation authority or service provider under this section.