

Amend CSHB 2292 (Senate committee printing) by adding the following appropriately numbered SECTION to Article 2 of the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.057 to read as follows:

Sec. 32.057. CONSUMER-DIRECTED SERVICES PROGRAM. (a) In this section:

(1) "Consumer" means a participant in the consumer-directed services program established under this section who receives a stipend under the program.

(2) "Home and community-based services" include:

(A) personal care services;

(B) a home modification and assistive device that may increase the consumer's independence;

(C) respite services, as defined by Section 142.001, Health and Safety Code; and

(D) personal assistance services, as defined by Section 142.001, Health and Safety Code.

(3) "Medical assistance waiver program" means:

(A) the community-based alternatives program;

(B) the community living assistance and support services program;

(C) the deaf-blind/multiple disabilities program;

(D) the consolidated waiver pilot program; or

(E) the medically dependent children program.

(b) The department by rule shall establish a consumer-directed services program in which certain individuals enrolled in a medical assistance waiver program are given a monthly stipend to direct the delivery of home and community-based services provided to the individual under the waiver program.

(c) The department shall work in conjunction with the Texas Rehabilitation Commission, the comptroller, and any other appropriate agency to develop the consumer-directed services program.

(d) In establishing the consumer-directed services program,

the department shall:

(1) ensure that the amount of a consumer's stipend is based on the assessed functional needs of a consumer and the financial resources available to the medical assistance waiver program providing services to the consumer;

(2) develop purchasing guidelines to assist consumers in using the stipend to purchase necessary and cost-effective home and community-based services;

(3) design the program in a manner in which a private entity or local governmental entity may apply with the department for approval to act as the fiscal intermediary for a consumer for the limited purpose of:

(A) managing the consumer's stipend;

(B) computing federal and state employment taxes;

(C) preparing and filing income tax forms and reports; and

(D) distributing money to a service provider;

(4) ensure that a consumer is the employer of and retains control over the selection, management, and dismissal of an individual providing home and community-based services; and

(5) develop a system to monitor the program to ensure:

(A) adherence to existing applicable program standards;

(B) appropriate use of funds; and

(C) consumer satisfaction with the delivery of services.

(e) The Texas Rehabilitation Commission and comptroller shall provide information to the department as necessary to facilitate the development and implementation of the consumer-directed services program.

(f) The department may not implement the consumer-directed services program within the consolidated waiver pilot program before January 2, 2004.

(g) The department, in consultation with the Centers for Medicare and Medicaid Services, shall:

(1) determine which state or other government-funded

programs are appropriate for inclusion in the consumer-directed services program; and

(2) provide for the inclusion of cost-sharing provisions as practicable.

(h) Not later than February 1 of each year, the department shall submit to the governor, the lieutenant governor, and the clerks of the standing committees of the senate and house of representatives with primary jurisdiction over long-term care services a report on the effectiveness, including the cost-effectiveness, of the consumer-directed services program. The report must include recommendations for improvements to the program.

(i) This section expires September 1, 2007.

(b) The state agency responsible for implementing the consumer-directed services program required by Section 32.057, Human Resources Code, as added by this section, shall request and actively pursue any necessary waivers or authorizations from the Centers for Medicare and Medicaid Services or other appropriate entities to enable the agency to implement the program not later than January 1, 2004. The agency may delay implementing the program until the necessary waivers or authorizations are granted.