

## **BILL ANALYSIS**

S.B. 1743  
By: Zaffirini  
Human Services  
Committee Report (Amended)

### **BACKGROUND AND PURPOSE**

Under the Community-Based Alternatives (CBA) Program, the Texas Department of Human Services adopted individual cost ceilings equal to the cost of serving an individual in a nursing home, to ensure that the waiver program would be a cost-neutral alternative to a nursing home. However, individual cost ceilings resulted in negative outcomes for some clients. As proposed, S.B. 1743 applies an individual cap of 133.3 percent of an individual's cost limit for other individuals in waiver programs whose cost may exceed the allowable individual amount.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, department, institution, or agency.

### **ANALYSIS**

SECTION 1. Amends Chapter 32B, Human Resources Code, by adding Section 32.057, as follows: Sec. 32.057. LIMITATION ON MEDICAL ASSISTANCE IN CERTAIN ALTERNATIVE COMMUNITY-BASED CARE SETTINGS.

- (a) Defines "institution" and "medical assistance waiver program."
- (b) Prohibits the Health and Human Services Commission (HHSC), except as provided by Subsection (c) or (d), from providing services under a medical assistance waiver program to a person receiving medical assistance if the cost of providing those services exceeds the individual cost limit specified in the medical assistance waiver program.
- (c) Requires HHSC to continue to provide services under a medical assistance waiver program to a person eligible for and receiving those services on September 1, 2003, if continuation of those services meets certain conditions.
- (d) Authorizes HHSC to continue to provide services under a medical assistance waiver program to a person who is ineligible to receive those services under Subsection (b) and to whom Subsection (c) does not apply if certain conditions are met.
- (e) Authorizes the Texas Board of Human Services (board) or the commissioner of human services (commissioner) to exempt a person from the cost limit established under Subsection (d)(1) if the board or commissioner finds an undue hardship to the person in providing comparable services at the appropriate institution.

SECTION 2. Effective date: September 1, 2003. Provides that this Act applies to a person receiving medical assistance on or after the effective date of the Act regardless of when eligibility for that assistance was determined.

### **EFFECTIVE DATE**

September 1, 2003.

### **EXPLANATION OF AMENDMENTS**

Committee Amendment Number 1 amends SB 1743 in SECTION 1 of the bill, in proposed Section

32.057 (d) (1), Human Resources Code (page 2, line 17), between “program” and the semicolon, insert “for six consecutive months”.