

By: Rodriguez

H.B. No. 1196

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain limits on the use of money appropriated for
3 purposes related to long-term care waiver programs.

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

5 SECTION 1. Subchapter B, Chapter 531, Government Code, is
6 amended by adding Section 531.02192 to read as follows:

7 Sec. 531.02192. USE OF MONEY APPROPRIATED FOR LONG-TERM
8 CARE WAIVER PROGRAMS. (a) In this section, "long-term care waiver
9 program" means:

10 (1) a home and community-based services waiver program
11 for persons with mental retardation administered by the Texas
12 Department of Mental Health and Mental Retardation, including the
13 HCS-MRLA program;

14 (2) a Community-Based Alternatives (CBA) waiver
15 program;

16 (3) the Community Living Assistance and Support
17 Services (CLASS) program;

18 (4) the Medically Dependent Children Program (MDCP);
19 or

20 (5) the Deaf, Blind, and Multiply Disabled program.

21 (b) If money is appropriated to the Texas Department of
22 Human Services or the Texas Department of Mental Health and Mental
23 Retardation expressly for purposes related to a long-term care
24 waiver program, the commission, by rule, shall prohibit the use of

1 the money by those agencies for any purpose other than:

2 (1) the establishment of the number of persons who may
3 receive long-term care waiver program services and the maintenance
4 of that effort;

5 (2) the provision of wraparound services that are
6 specifically associated with long-term care waiver slots and that
7 relate to transitional services, access to immediate housing, or
8 transportation services; or

9 (3) the development and support of family-based
10 alternatives for children under Section 531.055, as added by
11 Chapter 590, Acts of the 77th Legislature, Regular Session, 2001.

12 SECTION 2. The Health and Human Services Commission shall
13 adopt rules limiting the use of money appropriated for purposes
14 related to long-term care waiver programs, as required by Section
15 531.02192, Government Code, as added by this Act, not later than
16 December 1, 2003.

17 SECTION 3. If before implementing any provision of this Act
18 a state agency determines that a waiver or authorization from a
19 federal agency is necessary for implementation of that provision,
20 the agency affected by the provision shall request the waiver or
21 authorization and may delay implementing that provision until the
22 waiver or authorization is granted.

23 SECTION 4. This Act takes effect September 1, 2003.