

By: Naishtat

H.B. No. 1320

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the transfer of money appropriated to provide care for  
3 certain persons in nursing facilities to provide community-based  
4 services to those persons.

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

6 SECTION 1. Chapter 22, Human Resources Code, is amended by  
7 adding Section 22.006 to read as follows:

8 Sec. 22.006. TRANSFER OF MONEY FOR COMMUNITY-BASED  
9 SERVICES. (a) The department shall:

10 (1) quantify the amount of money appropriated by the  
11 legislature that would have been spent during the remainder of a  
12 state fiscal biennium to care for a person who lives in a nursing  
13 facility but who is leaving that facility before the end of the  
14 biennium to live in the community with the assistance of  
15 community-based services; and

16 (2) notwithstanding any other state law and to the  
17 maximum extent allowed by federal law, transfer at the time the  
18 person leaves the nursing facility the amount quantified under  
19 Subdivision (1) within the department's budget as necessary to  
20 comply with this section.

21 (b) The department shall ensure that the amount transferred  
22 under this section is redirected to one or more community-based  
23 programs to provide community-based services to the person after  
24 the person leaves the nursing facility.

1           SECTION 2. If before implementing any provision of this Act  
2 a state agency determines that a waiver or authorization from a  
3 federal agency is necessary for implementation of that provision,  
4 the agency affected by the provision shall request the waiver or  
5 authorization and may delay implementing that provision until the  
6 waiver or authorization is granted.

7           SECTION 3. This Act takes effect September 1, 2003.