

By: Delisi, Gutierrez

H.B. No. 3182

Substitute the following for H.B. No. 3182:

By: Harper-Brown

C.S.H.B. No. 3182

A BILL TO BE ENTITLED

AN ACT

relating to establishment of a consumer-directed services program.

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

SECTION 1. 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;

1 (D) the consolidated waiver pilot program; or

2 (E) the medically dependent children program.

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

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

12 (d) In establishing the consumer-directed services program,
13 the department shall:

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

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

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

25 (A) managing the consumer's stipend;

26 (B) computing federal and state employment
27 taxes;

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

3 (D) distributing money to a service provider;
4 (4) ensure that a consumer is the employer of and
5 retains control over the selection, management, and dismissal of an
6 individual providing home and community-based services; and

7 (5) develop a system to monitor the program to ensure:
8 (A) adherence to existing applicable program
9 standards;
10 (B) appropriate use of funds; and
11 (C) consumer satisfaction with the delivery of
12 services.

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

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

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

22 (1) determine which state or other government-funded
23 programs are appropriate for inclusion in the consumer-directed
24 services program; and

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

27 (h) Not later than February 1 of each year, the department

1 shall submit to the governor, the lieutenant governor, and the
2 clerks of the standing committees of the senate and house of
3 representatives with primary jurisdiction over long-term care
4 services a report on the effectiveness, including the
5 cost-effectiveness, of the consumer-directed services program.
6 The report must include recommendations for improvements to the
7 program.

8 (i) This section expires September 1, 2007.

9 SECTION 2. The state agency responsible for implementing
10 the consumer-directed services program required by Section 32.057,
11 Human Resources Code, as added by this Act, shall request and
12 actively pursue any necessary waivers or authorizations from the
13 Centers for Medicare and Medicaid Services or other appropriate
14 entities to enable the agency to implement the program not later
15 than January 1, 2004. The agency may delay implementing the program
16 until the necessary waivers or authorizations are granted.

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