

By: Delisi

H.B. No. 3182

A BILL TO BE ENTITLED

1 AN ACT

2 relating to establishment of a consumer-directed care  
3 demonstration program.

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

5 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,  
6 is amended by adding Section 32.057 to read as follows:

7 Sec. 32.057. CONSUMER-DIRECTED CARE DEMONSTRATION PROGRAM.

8 (a) In this section:

9 (1) "Consumer" means a participant in the  
10 demonstration program established under this section who receives a  
11 stipend under the program.

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

13 (A) personal care services;

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

16 (C) respite services, as defined by Section  
17 142.001, Health and Safety Code; and

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

20 (3) "Medical assistance waiver program" means:

21 (A) the community-based alternatives program;

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

24 (C) the deaf-blind/multiple disabilities

1 program;

2 (D) the consolidated waiver pilot program; or

3 (E) the medically dependent children program.

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

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

12 (d) In establishing the demonstration program, the  
13 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 applies with and is approved by  
23 the department and the Internal Revenue Service to act as the fiscal  
24 intermediary for a consumer for 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 demonstration  
16 program.

17                   (f) The department shall operate the demonstration program  
18 in each of the Medicaid managed care service delivery areas.

19                   (g) Not later than February 1 of each year, the department  
20 shall submit to the governor, lieutenant governor, and the clerks  
21 of the standing committees of the senate and house of  
22 representatives with primary jurisdiction over long-term care  
23 services a report on the effectiveness, including the  
24 cost-effectiveness, of the demonstration program. The report must  
25 include recommendations for improvements to the program and for the  
26 implementation of the program in additional counties or statewide,  
27 as appropriate.

1           (h) This section expires September 1, 2007.

2           SECTION 2. The state agency responsible for implementing  
3 the demonstration program required by Section 32.057, Human  
4 Resources Code, as added by this Act, shall request and actively  
5 pursue any necessary waivers or authorizations from the Centers for  
6 Medicare and Medicaid Services or other appropriate entities to  
7 enable the agency to implement the program not later than January 1,  
8 2004. The agency may delay implementing the program until the  
9 necessary waivers or authorizations are granted.

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