

By: Wohlgemuth

H.B. No. 3519

A BILL TO BE ENTITLED

AN ACT

1
2 relating to statutory authority to reduce appropriations made by
3 the legislature to certain governmental entities providing health
4 services, human services, and related services.

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

6 SECTION 1. Notwithstanding any statute to the contrary, the
7 legislature, in its discretion, may determine the amount of each
8 appropriation of state funds. The amounts required by statute for
9 entities that receive state funds under Article II of the General
10 Appropriations Act may be reduced or eliminated in order to achieve
11 a balanced budget.

12 SECTION 2. Notwithstanding any statute to the contrary,
13 each health and human services agency, including any agency listed
14 in Section 531.001, Government Code, shall reduce its
15 expenditures, through a reduction in services provided or through a
16 reduction in other activities of the agency, as necessary to
17 operate within the amounts appropriated to the agency under Article
18 II of the General Appropriations Act. The comptroller of public
19 accounts or the commissioner of health and human services, as
20 appropriate, may direct an agency to reduce services or activities
21 in accordance with this section.

22 SECTION 3. The Texas Commission for the Blind shall take any
23 action necessary to operate the blindness education, screening, and
24 treatment program and other commission programs using available

1 funds.

2 SECTION 4. The Interagency Council on Early Childhood
3 Intervention shall reduce expenditures by reducing and
4 streamlining activities necessary in relation to determining
5 whether children are eligible for services provided under the
6 jurisdiction of the council and providing less comprehensive
7 services to eligible children while seeking to maximize federal
8 funds available under the Individuals with Disabilities Education
9 Act (IDEA) (20 U.S.C. Section 1471 et seq.) or other law.

10 SECTION 5. The advisory committee to the Interagency
11 Council on Early Childhood Intervention is abolished.

12 SECTION 6. Notwithstanding Subchapter G, Chapter 403,
13 Government Code, the legislature may appropriate the available
14 earnings of any permanent fund established under that subchapter
15 and derived from tobacco proceeds to any strategy identified under
16 Article II of the General Appropriations Act. The comptroller
17 shall transfer funds from the permanent funds established under
18 Subchapter G, Chapter 403, Government Code, as necessary to
19 implement this section.

20 SECTION 7. The Texas Department of Health shall reduce
21 expenditures by consolidating operations and functions of the Texas
22 Primary Health Care Services Act and the Indigent Health Care and
23 Treatment Act.

24 SECTION 8. Notwithstanding Section 466.408, Government
25 Code, or any other law, unclaimed lottery proceeds collected and
26 deposited to the state-owned multicategorical teaching hospital
27 account may be appropriated to fund the Texas Health Steps program

1 (EPSDT).

2 SECTION 9. The Health and Human Services Commission and
3 other agencies responsible for administration of the state Medicaid
4 program shall reduce expenditures in that program by:

5 (1) eliminating benefits for persons eligible to
6 receive benefits under the medically needy program;

7 (2) reducing the period of continuous eligibility for
8 a Medicaid recipient who is a child under 19 years of age until the
9 earlier of the 180th day after the date on which the child's
10 eligibility was determined or the child's 19th birthday;

11 (3) reducing and streamlining activities or imposing
12 additional requirements necessary in relation to determining
13 whether children are eligible for Medicaid benefits and related
14 benefits;

15 (4) terminating Medicaid eligibility for adults who
16 are receiving benefits in accordance with the Temporary Assistance
17 for Needy Families program and who fail to participate in a required
18 employment services program;

19 (5) managing expenditures for drugs provided through
20 the Medicaid vendor drug program by:

21 (A) establishing a preferred drug list for drugs
22 provided to recipients through the program and requiring
23 preauthorization for drugs not included on the preferred drug list;
24 and

25 (B) obtaining supplemental rebates from drug
26 manufacturers for drugs provided to recipients through the program;

27 (6) reducing and streamlining administrative

1 activities associated with health-related services provided to
2 children in special education under the School Health and Related
3 Services program;

4 (7) terminating funding for chemical dependency
5 counseling and other substance abuse services;

6 (8) reducing funding for tuberculosis prevention and
7 control services provided by tuberculosis control clinics;

8 (9) ending programs to achieve system integration
9 across state- and federally funded health programs to the extent
10 the programs do not result in cost savings in the 2003-2005 fiscal
11 biennium, as directed by the Health and Human Services Commission;

12 (10) lengthening statutorily imposed deadlines for
13 complying with informal dispute resolution procedures, including
14 procedures for informal dispute resolution for certain long-term
15 care facilities, as necessary to accomplish the purposes of the
16 informal dispute resolution process within available resources;

17 (11) imposing the quality assurance fee assessed under
18 Chapter 252, Health and Safety Code, on each facility owned by the
19 Texas Department of Mental Health and Mental Retardation, making
20 appropriate adjustments to the manner in which the fee is computed,
21 and using the fee to increase reimbursement rates for services
22 provided under the Medicaid program, for waiver programs for
23 persons with mental retardation, or for any other purpose approved
24 by the governor and the Legislative Budget Board;

25 (12) waiving, with the approval of the Legislative
26 Budget Board and the Governor, any provision under Chapter 32,
27 Human Resources Code, to achieve necessary cost savings and

1 efficiencies; and

2 (13) requesting any waiver or authorization from a
3 federal agency determined to be necessary for implementation of any
4 provision of this section

5 SECTION 10. The Health and Human Services Commission and
6 other agencies responsible for administration of the state child
7 health plan program shall reduce expenditures in that program by:

8 (1) reducing the income eligibility limit for enrolled
9 children from 200 percent of the federal poverty level to 150
10 percent of the federal poverty level;

11 (2) managing expenditures for drugs provided through
12 the program by establishing a preferred drug list for drugs
13 provided to enrolled children through the program;

14 (3) reducing the income eligibility limit for children
15 enrolled in the program to provide health benefits coverage to
16 children who are qualified aliens from 200 percent of the federal
17 poverty level to 150 percent of the federal poverty level;

18 (4) reducing the income eligibility limits for
19 children enrolled in the program to provide health benefits
20 coverage for children of employees of charter schools, school
21 districts, and other educational districts from 200 percent of the
22 federal poverty level to 150 percent of the federal poverty level;

23 (5) reducing the income eligibility limits for
24 children enrolled in the program to provide basic coverage under
25 the Texas Employees Group Benefits Act for dependent children of
26 state employees from 200 percent of the federal poverty level to 150
27 percent of the federal poverty level;

1 (6) reducing the period of continuous eligibility for
2 an enrolled child until the earlier of the 180th day after the date
3 on which the child's eligibility was determined or the child's 19th
4 birthday;

5 (7) applying a waiting period that extends for a
6 period of 90 days after the date on which an enrolled child applies
7 for enrollment;

8 (8) increasing applicable copayments or other
9 cost-sharing provisions;

10 (9) waiving, with the approval of the Legislative
11 Budget Board and the Governor, any provision under Chapter 62,
12 Health and Safety Code, to achieve necessary cost savings and
13 efficiencies;

14 (10) applying for a waiver or authorization from a
15 federal agency to allow families now enrolled in the state Medicaid
16 program to opt into the state child health plan program while
17 retaining the appropriate federal match rate; and

18 (11) requesting any waiver or authorization from a
19 federal agency determined to be necessary for implementation of any
20 provision of this section.

21 SECTION 11. The Texas Department of Human Services shall
22 reduce expenditures by reducing eligibility for the in-home and
23 family support program to grant benefits to adults and children
24 with disabilities who are living independently.

25 SECTION 12. The Texas Department of Mental Health and
26 Mental Retardation shall reduce expenditures by:

27 (1) consolidating facilities providing services to

1 persons with mental retardation while maintaining the total
2 capacity of those facilities in this state;

3 (2) consolidating facilities providing services to
4 persons with mental illness; and

5 (3) reducing state funding for community hospitals
6 providing services to persons with mental illness.

7 SECTION 13. Notwithstanding Section 2201.002, Government
8 Code, or any other law, the Texas capital trust fund may be used in
9 any manner necessary to support the infrastructure of facilities
10 for persons with mental retardation and mental illness.

11 SECTION 14. The Department of Protective and Regulatory
12 Services shall reduce expenditures by establishing monthly foster
13 care reimbursement rates within available funding.

14 SECTION 15. (a) The Texas Rehabilitation Commission shall
15 reduce expenditures by providing through the vocational
16 rehabilitation program operated by the commission:

17 (1) transition planning services to prepare persons
18 with disabilities for a successful transition to employment; and

19 (2) extended ongoing support services to enable
20 individuals to achieve and maintain employment.

21 (b) Notwithstanding any other law, services described by
22 Subsections (a)(1) and (2) of this section may not be provided
23 separately from the vocational rehabilitation program operated by
24 the Texas Rehabilitation Commission.

25 SECTION 16. This Act takes effect immediately if it
26 receives a vote of two-thirds of all the members elected to each
27 house, as provided by Section 39, Article III, Texas Constitution.

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1 If this Act does not receive the vote necessary for immediate
2 effect, this Act takes effect September 1, 2003.