

By: Zaffirini

S.B. No. 1742

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) In this section, "health and human services  
10 agencies" has the meaning assigned by Section 531.001, Government  
11 Code.

12 (b) For each person who lives in a nursing facility but who  
13 is leaving that facility to live in the community with the  
14 assistance of community-based services provided by the department,  
15 the department shall:

16 (1) quantify the amount of money needed for the person  
17 to live in the community with the assistance of community-based  
18 services for the remainder of the state fiscal biennium; and

19 (2) notwithstanding any other state law and to the  
20 maximum extent allowed by federal law, transfer from the money  
21 appropriated by the legislature that would have been spent to care  
22 for that person in a nursing facility the amount quantified under  
23 Subdivision (1) within the department's budget as necessary to  
24 comply with this section.

1       (c) For each person who lives in a nursing facility but who  
2 is leaving that facility to live in the community with the  
3 assistance of community-based services provided by a health and  
4 human services agency other than the department, the department  
5 shall:

6           (1) quantify the amount of money appropriated by the  
7 legislature that would have been spent during the remainder of the  
8 state fiscal biennium to care for the person in a nursing facility;  
9 and

10          (2) notwithstanding any other state law and to the  
11 maximum extent allowed by federal law, transfer at the time the  
12 person leaves the nursing facility the amount quantified under  
13 Subdivision (1) to other health and human services agencies as  
14 necessary to comply with this section.

15          (d) The department or another health and human services  
16 agency to which money is transferred under this section shall  
17 ensure that the amount transferred under Subsection (b)(2) or  
18 (c)(2), as applicable, is redirected to one or more community-based  
19 programs to provide community-based services to the person after  
20 the person leaves the nursing facility.

21       SECTION 2. If before implementing any provision of this Act  
22 a state agency determines that a waiver or authorization from a  
23 federal agency is necessary for implementation of that provision,  
24 the agency affected by the provision shall request the waiver or  
25 authorization and may delay implementing that provision until the  
26 waiver or authorization is granted.

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