

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) The department shall:

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

19 (2) notwithstanding any other state law and to the
20 maximum extent allowed by federal law, transfer at the time the
21 person leaves the nursing facility the amount quantified under
22 Subdivision (1) within the department's budget and to other health
23 and human services agencies as necessary to comply with this
24 section.

1 (c) The department or another health and human services
2 agency to which money is transferred under this section shall
3 ensure that the amount transferred is redirected to one or more
4 community-based programs to provide community-based services to
5 the person after the person leaves the nursing facility.

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

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