

1-1 By: Zaffirini S.B. No. 1742
1-2 (In the Senate - Filed March 14, 2003; March 24, 2003, read
1-3 first time and referred to Committee on Finance; May 7, 2003,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 11, Nays 0; May 7, 2003, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1742 By: Zaffirini

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the transfer of money appropriated to provide care for
1-10 certain persons in nursing facilities to provide community-based
1-11 services to those persons.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 22, Human Resources Code, is amended by
1-14 adding Section 22.006 to read as follows:

1-15 Sec. 22.006. TRANSFER OF MONEY FOR COMMUNITY-BASED
1-16 SERVICES. (a) In this section, "health and human services
1-17 agencies" has the meaning assigned by Section 531.001, Government
1-18 Code.

1-19 (b) For each person who lives in a nursing facility but who
1-20 is leaving that facility to live in the community with the
1-21 assistance of community-based services provided by the department,
1-22 the department shall:

1-23 (1) quantify the amount of money needed for the person
1-24 to live in the community with the assistance of community-based
1-25 services for the remainder of the state fiscal biennium; and

1-26 (2) notwithstanding any other state law and to the
1-27 maximum extent allowed by federal law, transfer from the money
1-28 appropriated by the legislature that would have been spent to care
1-29 for that person in a nursing facility the amount quantified under
1-30 Subdivision (1) within the department's budget as necessary to
1-31 comply with this section.

1-32 (c) For each person who lives in a nursing facility but who
1-33 is leaving that facility to live in the community with the
1-34 assistance of community-based services provided by a health and
1-35 human services agency other than the department, the department
1-36 shall:

1-37 (1) quantify the amount of money appropriated by the
1-38 legislature that would have been spent during the remainder of the
1-39 state fiscal biennium to care for the person in a nursing facility;
1-40 and

1-41 (2) notwithstanding any other state law and to the
1-42 maximum extent allowed by federal law, transfer at the time the
1-43 person leaves the nursing facility the amount quantified under
1-44 Subdivision (1) to other health and human services agencies as
1-45 necessary to comply with this section.

1-46 (d) The department or another health and human services
1-47 agency to which money is transferred under this section shall
1-48 ensure that the amount transferred under Subsection (b)(2) or
1-49 (c)(2), as applicable, is redirected to one or more community-based
1-50 programs to provide community-based services to the person after
1-51 the person leaves the nursing facility.

1-52 SECTION 2. If before implementing any provision of this Act
1-53 a state agency determines that a waiver or authorization from a
1-54 federal agency is necessary for implementation of that provision,
1-55 the agency affected by the provision shall request the waiver or
1-56 authorization and may delay implementing that provision until the
1-57 waiver or authorization is granted.

1-58 SECTION 3. This Act takes effect September 1, 2003.

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