

By: Bivins

S.B. No. 1862

A BILL TO BE ENTITLED

AN ACT

relating to health and human services.

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

SECTION 1. (a) Subsection (a), Section 252.202, Health and Safety Code, is amended to read as follows:

(a) A quality assurance fee is imposed on each facility for which a license fee must be paid under Section 252.034, ~~and~~ on each facility owned by a community mental health and mental retardation center, as described by Subchapter A, Chapter 534, and on each facility owned by the Texas Department of Mental Health and Mental Retardation. The fee:

(1) is an amount established under Subsection (b) multiplied by the number of patient days as determined in accordance with Section 252.203;

(2) is payable monthly; and

(3) is in addition to other fees imposed under this chapter.

(b) Not later than August 31, 2003, the Texas Department of Mental Health and Mental Retardation shall pay for each facility owned by the department the quality assurance fee imposed by Section 252.202, Health and Safety Code, as amended by this section, for patient days occurring between September 1, 2002, and July 31, 2003. However, the department is not required to pay that quality assurance fee as provided by this subsection if this

1 section does not take effect before September 1, 2003, and, in that  
2 event, any appropriation made to the department for that purpose  
3 may not be made available to the department for that purpose.

4 SECTION 2. Section 252.203, Health and Safety Code, is  
5 amended to read as follows:

6 Sec. 252.203. PATIENT DAYS. For each calendar day, a  
7 facility shall determine the number of patient days by adding the  
8 following:

9 (1) the number of patients occupying a facility bed  
10 immediately before midnight of that day; and

11 ~~(2) [the number of beds that are on hold on that day~~  
12 ~~and that have been placed on hold for a period not to exceed three~~  
13 ~~consecutive calendar days during which a patient is in a hospital,~~  
14 ~~and~~

15 ~~[(3)]~~ the number of beds that are on hold on that day  
16 and that have been placed on hold for a period not to exceed three  
17 consecutive calendar days during which a patient is on therapeutic  
18 ~~[home]~~ leave.

19 SECTION 3. Subsection (b), Section 252.204, Health and  
20 Safety Code, is amended to read as follows:

21 (b) Each facility shall:

22 (1) not later than the 20th ~~[10th]~~ day after the last  
23 day of a month file a report with the Health and Human Services  
24 Commission or the department, as appropriate, stating the total  
25 patient days for the month; and

26 (2) not later than the 30th day after the last day of  
27 the month pay the quality assurance fee.

1 SECTION 4. (a) Subsections (a) and (c), Section 252.207,  
2 Health and Safety Code, are amended to read as follows:

3 (a) Subject to legislative appropriation and state and  
4 federal law, the [The] Health and Human Services Commission may  
5 ~~[shall]~~ use money in the quality assurance fund, together with any  
6 federal money available to match that money~~[, to]~~:

7 (1) to offset ~~[allowable]~~ expenses incurred to  
8 administer the quality assurance fee under this chapter ~~[under the~~  
9 ~~Medicaid program]~~; ~~[or]~~

10 (2) to increase reimbursement rates paid under the  
11 Medicaid program to facilities or waiver programs for persons with  
12 mental retardation operated in accordance with 42 U.S.C. Section  
13 1396n(c) and its subsequent amendments; or

14 (3) for any other health and human services purpose  
15 approved by the governor and Legislative Budget Board~~[, subject to~~  
16 ~~Section 252.206(d)]~~.

17 (c) If money in the quality assurance fund is used to  
18 increase a reimbursement rate in the Medicaid program, the [The]  
19 Health and Human Services Commission shall ensure that the  
20 reimbursement methodology used to set that rate ~~[formula devised~~  
21 ~~under Subsection (b)]~~ provides incentives to increase direct care  
22 staffing and direct care wages and benefits.

23 (b) Subsection (b), Section 252.207, Health and Safety  
24 Code, is repealed.

25 SECTION 5. Notwithstanding any other statute of this state,  
26 each health and human services agency, as defined by Section  
27 531.001, Government Code, is authorized to reduce expenditures by:

1           (1) consolidating any reports or publications the  
2 agency is required to make and filing or delivering any of those  
3 reports or publications exclusively by electronic means;

4           (2) extending the effective period of any license,  
5 permit, or registration the agency grants or administers;

6           (3) entering into a contract with another governmental  
7 entity or with a private vendor to carry out any of the agency's  
8 duties;

9           (4) providing that any communication between the  
10 agency and another person and any document required to be delivered  
11 to or by the agency, including any application, notice, billing  
12 statement, receipt, or certificate, may be made or delivered by  
13 electronic mail or through the Internet; and

14           (5) adopting and collecting fees or charges to cover  
15 any costs the agency incurs in performing its lawful functions.

16           SECTION 6. If before implementing any provision of this Act  
17 a state agency determines that a waiver or authorization from a  
18 federal agency is necessary for implementation of that provision,  
19 the agency affected by the provision shall request the waiver or  
20 authorization and may delay implementing that provision until the  
21 waiver or authorization is granted.

22           SECTION 7. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2003.