

1-1 By: Bivins S.B. No. 1862
1-2 (In the Senate - Filed March 17, 2003; March 20, 2003, read
1-3 first time and referred to Committee on Finance; May 14, 2003,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 9, Nays 0; May 14, 2003, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1862 By: Bivins

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

1-9 relating to health and human services.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. (a) Subsection (a), Section 252.202, Health and
1-12 Safety Code, is amended to read as follows:

1-13 (a) A quality assurance fee is imposed on each facility for
1-14 which a license fee must be paid under Section 252.034, ~~and~~ on
1-15 each facility owned by a community mental health and mental
1-16 retardation center, as described by Subchapter A, Chapter 534, and
1-17 on each facility owned by the Texas Department of Mental Health and
1-18 Mental Retardation. The fee:

1-19 (1) is an amount established under Subsection (b)
1-20 multiplied by the number of patient days as determined in
1-21 accordance with Section 252.203;

1-22 (2) is payable monthly; and

1-23 (3) is in addition to other fees imposed under this
1-24 chapter.

1-25 (b) Not later than August 31, 2003, the Texas Department of
1-26 Mental Health and Mental Retardation shall pay for each facility
1-27 owned by the department the quality assurance fee imposed by
1-28 Section 252.202, Health and Safety Code, as amended by this
1-29 section, for patient days occurring between September 1, 2002, and
1-30 July 31, 2003. However, the department is not required to pay that
1-31 quality assurance fee as provided by this subsection if this
1-32 section does not take effect before September 1, 2003, and, in that
1-33 event, any appropriation made to the department for that purpose
1-34 may not be made available to the department for that purpose.

1-35 SECTION 2. Section 252.203, Health and Safety Code, is
1-36 amended to read as follows:

1-37 Sec. 252.203. PATIENT DAYS. For each calendar day, a
1-38 facility shall determine the number of patient days by adding the
1-39 following:

1-40 (1) the number of patients occupying a facility bed
1-41 immediately before midnight of that day; and

1-42 (2) ~~[the number of beds that are on hold on that day~~
1-43 ~~and that have been placed on hold for a period not to exceed three~~
1-44 ~~consecutive calendar days during which a patient is in a hospital,~~
1-45 ~~and~~

1-46 ~~[(3)]~~ the number of beds that are on hold on that day
1-47 and that have been placed on hold for a period not to exceed three
1-48 consecutive calendar days during which a patient is on therapeutic
1-49 ~~[home]~~ leave.

1-50 SECTION 3. Subsection (b), Section 252.204, Health and
1-51 Safety Code, is amended to read as follows:

1-52 (b) Each facility shall:

1-53 (1) not later than the 20th ~~[10th]~~ day after the last
1-54 day of a month file a report with the Health and Human Services
1-55 Commission or the department, as appropriate, stating the total
1-56 patient days for the month; and

1-57 (2) not later than the 30th day after the last day of
1-58 the month pay the quality assurance fee.

1-59 SECTION 4. (a) Subsections (a) and (c), Section 252.207,
1-60 Health and Safety Code, are amended to read as follows:

1-61 (a) Subject to legislative appropriation and state and
1-62 federal law, the ~~[The]~~ Health and Human Services Commission may
1-63 ~~[shall]~~ use money in the quality assurance fund, together with any

2-1 federal money available to match that money~~[, to]~~:

2-2 (1) to offset [allowable] expenses incurred to
2-3 administer the quality assurance fee under this chapter ~~[under the~~
2-4 ~~Medicaid program]~~; ~~[or]~~

2-5 (2) to increase reimbursement rates paid under the
2-6 Medicaid program to facilities or waiver programs for persons with
2-7 mental retardation operated in accordance with 42 U.S.C. Section
2-8 1396n(c) and its subsequent amendments; or

2-9 (3) for any other health and human services purpose
2-10 approved by the governor and Legislative Budget Board~~[, subject to~~
2-11 ~~Section 252.206(a)]~~.

2-12 (c) If money in the quality assurance fund is used to
2-13 increase a reimbursement rate in the Medicaid program, the [The]
2-14 Health and Human Services Commission shall ensure that the
2-15 reimbursement methodology used to set that rate [formula devised
2-16 under Subsection (b)] provides incentives to increase direct care
2-17 staffing and direct care wages and benefits.

2-18 (b) Subsection (b), Section 252.207, Health and Safety
2-19 Code, is repealed.

2-20 SECTION 5. Notwithstanding any other statute of this state,
2-21 each health and human services agency, as defined by Section
2-22 531.001, Government Code, is authorized to reduce expenditures by:

2-23 (1) consolidating any reports or publications the
2-24 agency is required to make and filing or delivering any of those
2-25 reports or publications exclusively by electronic means;

2-26 (2) extending the effective period of any license,
2-27 permit, or registration the agency grants or administers;

2-28 (3) entering into a contract with another governmental
2-29 entity or with a private vendor to carry out any of the agency's
2-30 duties;

2-31 (4) providing that any communication between the
2-32 agency and another person and any document required to be delivered
2-33 to or by the agency, including any application, notice, billing
2-34 statement, receipt, or certificate, may be made or delivered by
2-35 electronic mail or through the Internet; and

2-36 (5) adopting and collecting fees or charges to cover
2-37 any costs the agency incurs in performing its lawful functions.

2-38 SECTION 6. If before implementing any provision of this Act
2-39 a state agency determines that a waiver or authorization from a
2-40 federal agency is necessary for implementation of that provision,
2-41 the agency affected by the provision shall request the waiver or
2-42 authorization and may delay implementing that provision until the
2-43 waiver or authorization is granted.

2-44 SECTION 7. This Act takes effect immediately if it receives
2-45 a vote of two-thirds of all the members elected to each house, as
2-46 provided by Section 39, Article III, Texas Constitution. If this
2-47 Act does not receive the vote necessary for immediate effect, this
2-48 Act takes effect September 1, 2003.

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