

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 1867  
By: Naishtat (Zaffirini)  
Finance  
5/21/2005  
Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Prior to the 77th Legislature, Regular Session, 2001, if an individual was being served in a nursing facility and desired to live in the community but required the assistance of community-based services to live in the community, there was no mechanism for the funding to follow the client to receive services provided in a community setting.

To address this problem, the 77th Legislature directed the Texas Department of Human Services, through Rider 37, to transfer funds to community-based programs when an individual leaves a nursing facility to live in the community with the assistance of community-based services.

Recognizing the benefit of authorizing the transfer of funds for individuals moving from a nursing facility to community-based programs, the 78th Legislature, Regular Session, 2003, directed the Texas Department of Human Services, currently the Texas Department of Aging and Disability Services, through Rider 28, to transfer funds when a client relocates from a nursing facility to community care services.

C.S.H.B. 1867 statutorily ensures that funding will follow an individual by requiring the transfer of funds as needed to provide community-based services for an individual who leaves a nursing facility to live in the community and receive services in a community waiver program.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.082, as follows:

Sec. 531.082. TRANSFER OF MONEY FOR COMMUNITY-BASED SERVICES. (a) Requires the Health and Human Services Commission (commission) to quantify the amount of money appropriated by the legislature that would have been spent during the remainder of a state fiscal biennium to care for a person who lives in a nursing facility but who is leaving that facility before the end of the biennium to live in the community with the assistance of community-based services.

(b) Requires the executive commissioner of the commission, notwithstanding any other state law and to the maximum extent allowed by federal law, to direct, as appropriate, the comptroller of public accounts or the commission or a health and human services agency, at the time the person described by Subsection (a) leaves the nursing facility, to transfer certain amounts as necessary to comply with this section.

(c) Requires the commission to ensure that the amount transferred under this section is redirected by the commission or health and human services agency, as applicable, to one or more community-based programs in the amount necessary to provide community-based services to the person after the person leaves the nursing facility.

SECTION 2. Authorizes delay of implementation until any necessary federal waivers or authorizations are obtained.

SECTION 3. Effective date: September 1, 2005.