

BILL ANALYSIS

S.B. 627
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Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, children in intermediate care facilities for the mentally retarded (ICF-MRs) are on the Medicaid waiver waiting lists and must often wait many years to be placed in a family environment. These years are critical years in the child's development.

S.B. 627 initiates a pilot program for children in ICF-MR facilities wherein money appropriated for certain institutional care for these children would be transferred to provide community-based services for the children. This pilot program would include up to 50 children per year over the biennium. To avoid additional costs to the state, as a child is moved from a facility, a bed may be decertified by the Health and Human Services Commission (HHSC).

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill includes definitions.

The bill directs the Department of Aging and Disability Services (DADS) to establish a pilot program under which DADS:

- quantifies the amount of money appropriated to DADS by the Legislature that would have been spent during the remainder of a state fiscal biennium to care for a child who lives in any ICF-MR facility but who is leaving the facility before the end of the biennium to live in the community; and
- notifies HHSC that the child will be leaving the facility to live in the community.

The bill authorizes HHSC, notwithstanding any other state law and to the maximum extent allowed by federal law, to direct, as appropriate:

- the HHSC executive commissioner, at the time the child leaves the facility, to transfer the quantified amount among health and human services agencies and HHSC as necessary to comply with the terms of the pilot program; and
- DADS, at the time the child leaves the facility, to transfer the quantified amount within the DADS budget as necessary to comply with the terms of the pilot program.

The bill provides that HHSC shall ensure that amounts transferred are redirected to community-based programs to provide community-based services to the child after the child leaves the facility.

The bill limits the pilot program to not more than fifty children during each fiscal year.

The bill authorizes HHSC to decertify an appropriate Medicaid bed for each child who leaves an ICF-MR facility and for whom money is transferred under the pilot program, and directs the HHSC executive commissioner to take certain factors into consideration when decertifying beds to maintain the viability of small and medium ICF-MR providers.

The bill directs HHSC and DADS to prepare and submit a report by a date certain on the effectiveness of the pilot program to the governor and appropriate legislative committees, and sets forth the required elements of the report.

The bill provides that the pilot program expires September 1, 2007.

The bill directs DADS to implement the pilot program not later than December 1, 2005, but permits a delay in implementation of the pilot program to obtain any necessary federal waiver or authorization.

EFFECTIVE DATE

September 1, 2005