

BILL ANALYSIS

Senate Research Center

S.B. 1830
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Health & Human Services
7/8/2005
Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, there are 7,300 individuals in long-term intermediate care facilities for the mentally retarded (ICF-MR) who require specialized assistance in their everyday activities. The value of the care received by individuals with mental retardation is dependent on the financial support allotted to those facilities. A portion of the money that is designated for such facilities is supplied from federal funds. The quality assurance fee is an indispensable tool in drawing funds from the federal government to aid in supporting the activities of long term intermediate facilities.

S.B. 1830 continues the quality assurance fee for an indefinite period of time in order to ensure better conditions for persons in long term ICF-MRs.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 531.078, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 531, Government Code, by adding Sections 531.078-531.082, as follows:

Sec. 531.078. QUALITY ASSURANCE FEES ON CERTAIN WAIVER PROGRAM SERVICES. (a) Defines "gross receipts."

(b) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner), by rule, to modify the quality assurance fee program under Subchapter H, Chapter 252 (Intermediate Care Facilities for the Mentally Retarded), Health and Safety Code, by providing for a quality assurance fee program that imposes a quality assurance fee on persons providing services under a home and community services waiver or a community living assistance and support services waiver.

(c) Requires the executive commissioner to establish the fee at a certain amount.

(d) Sets forth requirements for the executive commissioner in adopting certain rules.

(e) Requires fees collected under this section to be deposited in the waiver program quality assurance fee account.

Sec. 531.079. WAIVER PROGRAM QUALITY ASSURANCE FEE ACCOUNT. (a) Provides that the waiver program quality assurance fee account (account) is a dedicated account in the general revenue fund and is exempt from the application of Section 403.095 (Use of Dedicated Revenue). Requires interest earned on money in the account to be credited to the account.

(b) Provides that the account consists of fees collected under Section 531.078 and interest earned on money in the account.

(c) Authorizes money in the account, subject to legislative appropriation and state and federal law, to be appropriated only to the Department of Aging and Disability Services (DADS) to increase reimbursement rates paid under certain waiver programs.

Sec. 531.080. REIMBURSEMENT OF WAIVER PROGRAMS. Requires DADS, subject to legislative appropriation and state and federal law, to use money from the account, together with any federal money available to match money from the account, to increase reimbursement rates paid under the home and community services waiver program or the community living assistance and support services waiver program.

Sec. 531.081. INVALIDITY; FEDERAL FUNDS. Sets forth requirements for the Health and Human Services Commission if any portion of Sections 531.078-531.080 is held invalid by a final order of a court that is not subject to appeal, or upon determining that the imposition of the quality assurance fee and the expenditure of the money collected as provided by those sections will not entitle this state to receive additional federal money under the Medicaid program.

Sec. 531.082. EXPIRATION OF QUALITY FEE ON WAIVER PROGRAMS. Provides that if Subchapter H, Chapter 252, Health and Safety Code, expires, this section and Sections 531.078-531.081 expire on the same date.

SECTION 2. Repealer: Section 252.209 (Legislative Review; Expiration), Health and Safety Code.

SECTION 3. Effective date: upon passage or September 1, 2005.