

By: Naishtat

H.B. No. 1867

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the transfer of money appropriated to provide care for
3 certain persons in nursing facilities to provide community-based
4 services to those persons.

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

6 SECTION 1. Subchapter B, Chapter 531, Government Code, is
7 amended by adding Section 531.082 to read as follows:

8 Sec. 531.082. TRANSFER OF MONEY FOR COMMUNITY-BASED
9 SERVICES. (a) The commission shall quantify the amount of money
10 appropriated by the legislature that would have been spent during
11 the remainder of a state fiscal biennium to care for a person who
12 lives in a nursing facility but who is leaving that facility before
13 the end of the biennium to live in the community with the assistance
14 of community-based services.

15 (b) Notwithstanding any other state law and to the maximum
16 extent allowed by federal law, the executive commissioner shall
17 direct, as appropriate:

18 (1) the comptroller, at the time the person described
19 by Subsection (a) leaves the nursing facility, to transfer the
20 amount quantified under that subsection among the health and human
21 services agencies and the commission as necessary to comply with
22 this section; or

23 (2) the commission or a health and human services
24 agency, at the time the person described by Subsection (a) leaves

1 the nursing facility, to transfer the amount quantified under that
2 subsection within the agency's budget as necessary to comply with
3 this section.

4 (c) The commission shall ensure that the amount transferred
5 under this section is redirected by the commission or health and
6 human services agency, as applicable, to one or more
7 community-based programs to provide community-based services to
8 the person after the person leaves the nursing facility.

9 SECTION 2. If before implementing any provision of this Act
10 a state agency determines that a waiver or authorization from a
11 federal agency is necessary for implementation of that provision,
12 the agency affected by the provision shall request the waiver or
13 authorization and may delay implementing that provision until the
14 waiver or authorization is granted.

15 SECTION 3. This Act takes effect September 1, 2005.