

1-1 By: Naishtat (Senate Sponsor - Zaffirini) H.B. No. 1867
1-2 (In the Senate - Received from the House May 5, 2005;
1-3 May 8, 2005, read first time and referred to Committee on Finance;
1-4 May 23, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; May 23, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1867 By: Barrientos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the transfer of money appropriated to provide care for
1-11 certain persons in nursing facilities to provide community-based
1-12 services to those persons.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter B, Chapter 531, Government Code, is
1-15 amended by adding Section 531.082 to read as follows:

1-16 Sec. 531.082. TRANSFER OF MONEY FOR COMMUNITY-BASED
1-17 SERVICES. (a) The commission shall quantify the amount of money
1-18 appropriated by the legislature that would have been spent during
1-19 the remainder of a state fiscal biennium to care for a person who
1-20 lives in a nursing facility but who is leaving that facility before
1-21 the end of the biennium to live in the community with the assistance
1-22 of community-based services.

1-23 (b) Notwithstanding any other state law and to the maximum
1-24 extent allowed by federal law, the executive commissioner shall
1-25 direct, as appropriate:

1-26 (1) the comptroller, at the time the person described
1-27 by Subsection (a) leaves the nursing facility, to transfer an
1-28 amount not to exceed the amount quantified under that subsection
1-29 among the health and human services agencies and the commission as
1-30 necessary to comply with this section; or

1-31 (2) the commission or a health and human services
1-32 agency, at the time the person described by Subsection (a) leaves
1-33 the nursing facility, to transfer an amount not to exceed the amount
1-34 quantified under that subsection within the agency's budget as
1-35 necessary to comply with this section.

1-36 (c) The commission shall ensure that the amount transferred
1-37 under this section is redirected by the commission or health and
1-38 human services agency, as applicable, to one or more
1-39 community-based programs in the amount necessary to provide
1-40 community-based services to the person after the person leaves the
1-41 nursing facility.

1-42 SECTION 2. If before implementing any provision of this Act
1-43 a state agency determines that a waiver or authorization from a
1-44 federal agency is necessary for implementation of that provision,
1-45 the agency affected by the provision shall request the waiver or
1-46 authorization and may delay implementing that provision until the
1-47 waiver or authorization is granted.

1-48 SECTION 3. This Act takes effect September 1, 2005.

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