

By: Naishtat

H.B. No. 2449

Substitute the following for H.B. No. 2449:

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C.S.H.B. No. 2449

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a pilot program for transferring money for certain
3 persons in institutional care to provide community-based services
4 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 531.085 to read as follows:

8 Sec. 531.085. PILOT PROGRAM FOR FUNDING COMMUNITY-BASED
9 SERVICES. (a) In this section, "ICF-MR" has the meaning assigned
10 by Section 531.002, Health and Safety Code.

11 (b) The commission shall direct the Department of Aging and
12 Disability Services to develop and implement a pilot program to:

13 (1) quantify the amount of money appropriated by the
14 legislature that would have been spent during the remainder of a
15 state fiscal biennium to care for a person who lives in an ICF-MR
16 facility administered by an ICF-MR provider selected to participate
17 in the pilot program under this section, but who is leaving that
18 facility before the end of the biennium to live in the community
19 with the assistance of community-based services provided through a
20 medical assistance waiver program; and

21 (2) notwithstanding any other state law and to the
22 maximum extent allowed by federal law, transfer within the
23 department's budget or among the commission and the health and
24 human services agencies at the time the person leaves the facility

1 the amount necessary to pay the cost of the community-based
2 services provided to the person as necessary to comply with this
3 section.

4 (c) The amount transferred under this section must be
5 redirected by the commission or a health and human services agency
6 to one or more community-based programs to provide community-based
7 services to the person through a medical assistance waiver program
8 after the person leaves the ICF-MR facility.

9 (d) The commission and the Department of Aging and
10 Disability Services shall jointly determine criteria for selecting
11 providers of ICF-MR services to participate in the pilot program
12 under this section and shall jointly select at least one provider,
13 but not more than five providers, for participation. The criteria
14 for selecting a provider may relate to any factor the commission and
15 department consider relevant, including:

16 (1) the size and number of ICF-MR facilities the
17 provider administers;

18 (2) the history of the provider's quality of care;

19 (3) the specific geographic area in which the provider
20 provides services; or

21 (4) whether the provider is willing to convert the
22 services provided from institutional services to community-based
23 medical assistance waiver program services.

24 (e) The executive commissioner may adopt rules under which
25 the commission may decertify an appropriate Medicaid bed for each
26 person who leaves an ICF-MR facility and for whom money is
27 transferred under Subsection (b)(2).

1 (f) Not later than December 1, 2006, the commission and the
2 Department of Aging and Disability Services shall submit a joint
3 report concerning the effectiveness of the pilot program to the
4 governor and the committees of each house of the legislature that
5 have primary oversight jurisdiction over health and human services
6 agencies. The report must include a recommendation regarding the
7 feasibility of expanding the pilot program statewide, an analysis
8 of provider and consumer experiences under the program, provider
9 information related to the feasibility of expanding the program,
10 and stakeholder recommendations relating to the program. In
11 preparing the report and recommendations, the commission and
12 department must:

13 (1) consider consumer satisfaction with the services
14 provided under the program;

15 (2) compare like provider elements, including the
16 following elements with respect to each provider:

17 (A) size;

18 (B) the number of persons served;

19 (C) financial viability, including rates;

20 (D) service transition costs;

21 (E) geographic location; and

22 (F) type and physical condition of facilities;

23 and

24 (3) consider other aspects necessary to provide a
25 comprehensive analysis of the program.

26 SECTION 2. Not later than December 1, 2005, the Department
27 of Aging and Disability Services shall implement the pilot program

1 under Section 531.085, Government Code, as added by this Act.

2 SECTION 3. If before implementing any provision of this Act
3 a state agency determines that a waiver or authorization from a
4 federal agency is necessary for implementation of that provision,
5 the agency affected by the provision shall request the waiver or
6 authorization and may delay implementing that provision until the
7 waiver or authorization is granted.

8 SECTION 4. This Act takes effect September 1, 2005.