

By: Naishtat

H.B. No. 2449

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a pilot program for transferring money appropriated to
3 provide institutional care for certain persons to provide
4 community-based 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 531.085 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 but who is leaving that facility before the end of the
17 biennium to live in the community with the assistance of
18 community-based services provided through a medical assistance
19 waiver program; and

20 (2) notwithstanding any other state law and to the
21 maximum extent allowed by federal law, transfer at the time the
22 person leaves the facility the amount quantified under Subdivision
23 (1) within the department's budget or among the commission and the
24 health and human services agencies as necessary to comply with this

1 section.

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

7 (d) The commission and the Department of Aging and
8 Disability Services shall jointly determine criteria for selecting
9 the ICF-MR facilities in which the department will operate the
10 pilot program under this section. The criteria may relate to any
11 factor the commission and department consider relevant, including:

12 (1) the size of an ICF-MR facility;

13 (2) the history of the quality of care provided by an
14 ICF-MR facility;

15 (3) a specific geographic area; or

16 (4) whether an ICF-MR provider is willing to convert
17 the services provided from institutional services to
18 community-based medical assistance waiver program services.

19 (e) During each state fiscal year, the Department of Aging
20 and Disability Services shall transfer money under Subsection
21 (b)(2) with respect to at least five percent, but not more than 10
22 percent, of the total number of persons residing in an ICF-MR
23 facility included in the pilot program on the first day of that
24 fiscal year.

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

1 transferred under Subsection (b)(2).

2 (g) Not later than December 1, 2006, the commission and the
3 Department of Aging and Disability Services shall submit a joint
4 report concerning the effectiveness of the pilot program to the
5 governor and the committees of each house of the legislature that
6 have primary oversight jurisdiction over health and human services
7 agencies. The report must include a recommendation regarding the
8 feasibility of expanding the pilot program statewide.

9 SECTION 2. Not later than December 1, 2005, the Department
10 of Aging and Disability Services shall implement the pilot program
11 under Section 531.085, Government Code, as added by this Act.

12 SECTION 3. If before implementing any provision of this Act
13 a state agency determines that a waiver or authorization from a
14 federal agency is necessary for implementation of that provision,
15 the agency affected by the provision shall request the waiver or
16 authorization and may delay implementing that provision until the
17 waiver or authorization is granted.

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