

AN ACT

relating to medical assistance in certain alternative community-based care settings.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.058 to read as follows:

Sec. 32.058. LIMITATION ON MEDICAL ASSISTANCE IN CERTAIN ALTERNATIVE COMMUNITY-BASED CARE SETTINGS. (a) In this section:

(1) "Institution" means a nursing facility or an ICF-MR facility.

(2) "Medical assistance waiver program" means:

(A) the community-based alternatives program;

(B) the community living assistance and support services program;

(C) the deaf-blind/multiple disabilities program;

(D) the consolidated waiver pilot program; or

(E) the medically dependent children program.

(b) Except as provided by Subsection (c) or (d), the department may not provide services under a medical assistance waiver program to a person receiving medical assistance if the cost of providing those services exceeds the individual cost limit specified in the medical assistance waiver program.

(c) The department shall continue to provide services under

1 a medical assistance waiver program to a person who is receiving
2 those services on September 1, 2005, at a cost that exceeds the
3 individual cost limit specified in the medical assistance waiver,
4 if continuation of those services:

5 (1) is necessary for the person to live in the most
6 integrated setting appropriate to the needs of the person; and

7 (2) does not affect the department's compliance with
8 the federal cost-effectiveness and efficiency requirements of the
9 medical assistance waiver program under 42 U.S.C. Sections 1396n(b)
10 and 1396n(c)(2)(D).

11 (d) The department may continue to provide services under a
12 medical assistance waiver program to a person who is ineligible to
13 receive those services under Subsection (b) and to whom Subsection
14 (c) does not apply if:

15 (1) the cost of providing those services to the person
16 under the medical assistance waiver program does not exceed 133.3
17 percent of the individual cost limit specified in the medical
18 assistance waiver program; and

19 (2) continuation of those services does not affect the
20 department's compliance with the federal cost-effectiveness and
21 efficiency requirements of the medical assistance waiver program
22 under 42 U.S.C. Sections 1396n(b) and 1396n(c)(2)(D).

23 (e) The executive commissioner of the Health and Human
24 Services Commission may adopt rules under which the department may
25 exempt a person from the cost limit established under Subsection
26 (d)(1).

27 SECTION 2. This Act applies to a person receiving medical

1 assistance on or after the effective date of this Act, regardless of
2 when eligibility for that assistance was determined.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 626 passed the Senate on
March 31, 2005, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 626 passed the House on
May 25, 2005, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor