

1-1 By: Zaffirini S.B. No. 626
1-2 (In the Senate - Filed February 21, 2005; March 1, 2005,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 17, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 March 17, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 626 By: Zaffirini

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

1-10 relating to medical assistance in certain alternative
1-11 community-based care settings.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,
1-14 is amended by adding Section 32.058 to read as follows:

1-15 Sec. 32.058. LIMITATION ON MEDICAL ASSISTANCE IN CERTAIN
1-16 ALTERNATIVE COMMUNITY-BASED CARE SETTINGS. (a) In this section:

1-17 (1) "Institution" means a nursing facility or an
1-18 ICF-MR facility.

1-19 (2) "Medical assistance waiver program" means:

1-20 (A) the community-based alternatives program;

1-21 (B) the community living assistance and support
1-22 services program;

1-23 (C) the deaf-blind/multiple disabilities
1-24 program;

1-25 (D) the consolidated waiver pilot program; or

1-26 (E) the medically dependent children program.

1-27 (b) Except as provided by Subsection (c) or (d), the
1-28 department may not provide services under a medical assistance
1-29 waiver program to a person receiving medical assistance if the cost
1-30 of providing those services exceeds the individual cost limit
1-31 specified in the medical assistance waiver program.

1-32 (c) The department shall continue to provide services under
1-33 a medical assistance waiver program to a person who is receiving
1-34 those services on September 1, 2005, at a cost that exceeds the
1-35 individual cost limit specified in the medical assistance waiver,
1-36 if continuation of those services:

1-37 (1) is necessary for the person to live in the most
1-38 integrated setting appropriate to the needs of the person; and

1-39 (2) does not affect the department's compliance with
1-40 the federal cost-effectiveness and efficiency requirements of the
1-41 medical assistance waiver program under 42 U.S.C. Sections 1396n(b)
1-42 and 1396n(c)(2)(D).

1-43 (d) The department may continue to provide services under a
1-44 medical assistance waiver program to a person who is ineligible to
1-45 receive those services under Subsection (b) and to whom Subsection
1-46 (c) does not apply if:

1-47 (1) the cost of providing those services to the person
1-48 under the medical assistance waiver program does not exceed 133.3
1-49 percent of the individual cost limit specified in the medical
1-50 assistance waiver program; and

1-51 (2) continuation of those services does not affect the
1-52 department's compliance with the federal cost-effectiveness and
1-53 efficiency requirements of the medical assistance waiver program
1-54 under 42 U.S.C. Sections 1396n(b) and 1396n(c)(2)(D).

1-55 (e) The executive commissioner of the Health and Human
1-56 Services Commission may adopt rules under which the department may
1-57 exempt a person from the cost limit established under Subsection
1-58 (d)(1).

1-59 SECTION 2. This Act applies to a person receiving medical
1-60 assistance on or after the effective date of this Act, regardless of
1-61 when eligibility for that assistance was determined.

1-62 SECTION 3. This Act takes effect September 1, 2005.

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