

By: Zaffirini

S.B. No. 627

A BILL TO BE ENTITLED

AN ACT

relating to a pilot program for the transfer of money appropriated for certain institutional care for children to provide community-based services to those children.

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

SECTION 1. Subchapter D, Chapter 161, Human Resources Code, is amended by adding Section 161.075 to read as follows:

Sec. 161.075. PILOT PROGRAM FOR TRANSFER OF MONEY FOR COMMUNITY-BASED SERVICES FOR CERTAIN CHILDREN. (a) In this section:

(1) "Child" has the meaning assigned by Section 531.151, Government Code.

(2) "Health and human services agency" has the meaning assigned by Section 531.001, Government Code.

(3) "ICF-MR" has the meaning assigned by Section 531.002, Health and Safety Code.

(b) The department shall establish a pilot program under which:

(1) the department:

(A) quantifies the amount of money appropriated to the department by the legislature that would have been spent during the remainder of a state fiscal biennium to care for a child who lives in any ICF-MR facility but who is leaving that facility before the end of the biennium to live in the community; and

1                   (B) notifies the commission that the child will  
2 be leaving the facility to live in the community; and

3                   (2) the commission, notwithstanding any other state  
4 law and to the maximum extent allowed by federal law, directs, as  
5 appropriate:

6                   (A) the executive commissioner, at the time the  
7 child leaves the facility, to transfer the amount quantified under  
8 Subdivision (1)(A) among the health and human services agencies and  
9 the commission as necessary to comply with this section, subject to  
10 Subsection (d); or

11                   (B) the department, at the time the child leaves  
12 the facility, to transfer the amount quantified under Subdivision  
13 (1)(A) within the department's budget as necessary to comply with  
14 this section, subject to Subsection (d).

15                   (c) The commission shall ensure that the amount transferred  
16 under this section is redirected by the commission or the  
17 department, as applicable, to one or more community-based programs  
18 to provide community-based services to the child after the child  
19 leaves the facility.

20                   (d) During each state fiscal year, the department may notify  
21 the commission under Subsection (b)(1)(B) with respect to not more  
22 than 50 children, and the commission shall direct that money be  
23 transferred under Subsection (b)(2) with respect to those children.

24                   (e) The commission may decertify an appropriate Medicaid  
25 bed for each child who leaves an ICF-MR facility and for whom money  
26 is transferred under Subsection (b)(2). The executive commissioner  
27 shall consider the entire bed plan for ICF-MRs when making any

1 decision to decertify a bed, in order to maintain the viability of  
2 small and medium ICF-MR providers.

3 (f) Not later than December 1, 2006, the commission and the  
4 department shall jointly prepare and submit a report concerning the  
5 effectiveness of the pilot program to the governor and the  
6 committees of each house of the legislature that have primary  
7 oversight jurisdiction over health and human services. The report  
8 must:

9 (1) indicate the number of children who left an ICF-MR  
10 facility to receive community-based services under the pilot  
11 program and the locations of the ICF-MR facilities in which those  
12 children previously resided;

13 (2) identify the waiver programs that provided the  
14 community-based services to children described by Subdivision (1);  
15 and

16 (3) include:  
17 (A) an evaluation of any systemic barriers that  
18 affected implementation of the pilot program;

19 (B) recommendations on possible incentives or  
20 assistance that would encourage providers of ICF-MR services to  
21 convert those services to community-based services; and

22 (C) a recommendation regarding the feasibility  
23 of expanding the pilot program statewide.

24 (g) This section expires September 1, 2007.

25 SECTION 2. Not later than December 1, 2005, the Department  
26 of Aging and Disability Services shall implement the pilot program  
27 under Section 161.075, Human Resources Code, as added by this Act.

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

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