

AN ACT

relating to the continuation and operation of the quality assurance fee program with regard to intermediate care facilities for persons with mental retardation.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.078 through 531.082 to read as follows:

Sec. 531.078. QUALITY ASSURANCE FEES ON CERTAIN WAIVER PROGRAM SERVICES. (a) In this section, "gross receipts" means money received as compensation for services under an intermediate care facilities for the mentally retarded waiver program such as a home and community services waiver or a community living assistance and support services waiver. The term does not include a charitable contribution, revenues received for services or goods other than waivers, or any money received from consumers or their families as reimbursement for services or goods not normally covered by the waivers.

(b) The executive commissioner by rule shall modify the quality assurance fee program under Subchapter H, Chapter 252, Health and Safety Code, by providing for a quality assurance fee program that imposes a quality assurance fee on persons providing services under a home and community services waiver or a community living assistance and support services waiver.

1       (c) The executive commissioner shall establish the fee at an  
2 amount that will produce annual revenues of not more than six  
3 percent of the total annual gross receipts in this state.

4       (d) The executive commissioner shall adopt rules governing:

5           (1) the reporting required to compute and collect the  
6 fee and the manner and times of collecting the fee; and

7           (2) the administration of the fee, including the  
8 imposition of penalties for a violation of the rules.

9       (e) Fees collected under this section shall be deposited in  
10 the waiver program quality assurance fee account.

11       Sec. 531.079. WAIVER PROGRAM QUALITY ASSURANCE FEE ACCOUNT.

12 (a) The waiver program quality assurance fee account is a  
13 dedicated account in the general revenue fund. The account is  
14 exempt from the application of Section 403.095. Interest earned on  
15 money in the account shall be credited to the account.

16       (b) The account consists of fees collected under Section  
17 531.078 and interest earned on money in the account.

18       (c) Subject to legislative appropriation and state and  
19 federal law, money in the account may be appropriated only to the  
20 Department of Aging and Disability Services to increase  
21 reimbursement rates paid under the home and community services  
22 waiver program or the community living assistance and support  
23 services waiver program or to offset allowable expenses under the  
24 state Medicaid program.

25       Sec. 531.080. REIMBURSEMENT OF WAIVER PROGRAMS. Subject to  
26 legislative appropriation and state and federal law, the Department  
27 of Aging and Disability Services shall use money from the waiver

1 program quality assurance fee account, together with any federal  
2 money available to match money from the account, to increase  
3 reimbursement rates paid under the home and community services  
4 waiver program or the community living assistance and support  
5 services waiver program.

6 Sec. 531.081. INVALIDITY; FEDERAL FUNDS. If any portion of  
7 Sections 531.078-531.080 is held invalid by a final order of a court  
8 that is not subject to appeal, or if the commission determines that  
9 the imposition of the quality assurance fee and the expenditure of  
10 the money collected as provided by those sections will not entitle  
11 this state to receive additional federal money under the Medicaid  
12 program, the commission shall:

- 13 (1) stop collection of the quality assurance fee; and  
14 (2) not later than the 30th day after the date the  
15 collection of the quality assurance fee is stopped, return any  
16 money collected under Section 531.078, but not spent under Section  
17 531.080, to the persons who paid the fees in proportion to the total  
18 amount paid by those persons.

19 Sec. 531.082. EXPIRATION OF QUALITY ASSURANCE FEE ON WAIVER  
20 PROGRAMS. If Subchapter H, Chapter 252, Health and Safety Code,  
21 expires, this section and Sections 531.078-531.081 expire on the  
22 same date.

23 SECTION 2. Section 252.209, Health and Safety Code, is  
24 repealed.

25 SECTION 3. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

S.B. No. 1830

1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2005.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 1830 passed the Senate on April 28, 2005, by the following vote: Yeas 31, Nays 0; May 25, 2005, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 27, 2005, House granted request of the Senate; May 29, 2005, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 1830 passed the House, with amendment, on May 23, 2005, by a non-record vote; May 27, 2005, House granted request of the Senate for appointment of Conference Committee; May 29, 2005, House adopted Conference Committee Report by the following vote: Yeas 140, Nays 0, one present not voting.

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Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor