

## BILL ANALYSIS

Senate Research Center  
80R4662 KLA-D

S.B. 319  
By: Deuell  
Finance  
4/3/2007  
As Filed

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current statute attaches funding for certain individuals to nursing facilities rather than a person, and funding does not accompany a person who has moved from an institutional setting unless the person relocated to an institution with a vacant bed. As a result, institutionalized individuals trying to move to new communities have to wait for Home and Community-Based Services Medicaid Waiver program funding.

As proposed, S.B. 319 expands the "money follows the person" mechanism to require that money follows a person if a person moves to a new community from a state facility so that a person does not have to wait for Home and Community-Based Services Medicaid Waiver program funding.

### RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services commission in SECTION 1 (Section 531.0921, Government Code) of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.0921, as follows:

Sec. 531.0921. PROGRAM FOR FUNDING COMMUNITY-BASED SERVICES FOR PERSONS PREVIOUSLY RECEIVING INSTITUTIONAL CARE. (a) Defines "ICF-MR," "large ICF-MR facility," and "state school."

(b) Requires the Health and Human Services Commission (HHSC) to direct the Department of Aging and Disability Services (DADS) to develop a program to quantify the amount of money appropriated by the legislature that would have been spent during the remainder of a state fiscal biennium to care for a person who lives in a state school or large intermediate care facility for the mentally retarded (ICF-MR) facility but who is leaving that school or facility before the end of the biennium to live in the community with the assistance of community-based services provided through a medical assistance waiver program, and to transfer when the person leaves the school or facility the amount quantified under Subdivision (1) within DADS' budget or among HHSC and the health and human services agencies (HHS agency) as necessary to comply with this section.

(c) Requires the amount transferred to be redirected by HHSC or an HHS agency to one or more community-based programs in order to provide community-based services to a person through a medical assistance waiver program after a person leaves the state school or large ICF-MR facility.

(d) Requires the executive commissioner of HHSC to adopt rules under which HHSC may decertify a Medicaid bed for each person who leaves a state school or large ICF-MR facility and for whom money is transferred un Subsection(b)(2).

(e) Requires HHSC and DADS to submit a joint report, not later than December 1, 2008, concerning the effectiveness of the program to the governor and the committees of each house of legislature that have oversight of health and human

services agencies. Requires the report to include a recommendation regarding the expansion of the program to additional ICF-MR facilities.

SECTION 2. Requires DADS to implement the program under Section 531.0921, Government Code, as added by this Act, and requires the executive commissioner of HHSC to adopt rules required by Section 531.0921(d), Government Code, as added by this Act, not later than December 1, 2007.

SECTION 3. Authorizes a state agency to delay implementing a provision of this Act until a requested federal waiver or authorization necessary to implement that provision is obtained.

SECTION 4. Effective date: September 1, 2007.