

BILL ANALYSIS

S.B. 1734
By: Nelson
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

As proposed, S.B. 1734 requires the Department of Assistive and Rehabilitative Services, in conjunction with other health and human services agencies, to evaluate cost-neutral ways to include eligible services for people with traumatic brain injury and spinal cord injury in the Medicaid program. This bill requires the Health and Human Services Commission to request federal approval to implement a Medicaid 1915(c) Home and Community-Based Services Waiver or to amend the Medicaid State Plan.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill amends Subchapter D, Chapter 117, Human Resources Code, by adding Section 117.075 MEDICAID SERVICES FOR CERTAIN PERSONS WITH TRAUMATIC BRAIN OR SPINAL CORD INJURIES. The bill defines "comprehensive rehabilitation services program."

S.B. 1734 requires the Department of Assistive and Rehabilitative Services (DARS) to determine whether services provided under the comprehensive rehabilitation services program (program) could be provided in a more cost-effective manner through the Medicaid program. The bill requires DARS to evaluate and compare the cost-effectiveness of providing Medicaid services: under a modification to a previously authorized Section 1915(c) waiver program; under an amendment to the state Medicaid plan; or under an additional Section 1915(c) waiver or an alternative home and community-based services waiver.

The bill requires DARS, in evaluating the cost-effectiveness of each approach to providing Medicaid services, to consider: the effect that implementing each approach would have on general revenue fund; the amount of additional federal matching funds the state would receive as a result of implementing each approach; and the maximum number of persons who would be eligible to receive services.

The bill requires the Health and Human Services Commission (HHSC), the Department of Aging and Disability Services (DADS), and the Texas Traumatic Brain Injury Advisory Council (council) to assist DARS as necessary in performing DARS duties under Subsections (b) and (c).

Requires DARS to notify HHSC if DARS determines that services provided under the program could be provided in a more cost-effective manner through the Medicaid program. Requires HHSC and the executive commissioner of HHSC (commissioner), once notified by DARS, to actively pursue federal authorization to begin providing those services through the approach DARS determines would be most cost-effective and to establish Medicaid eligibility criteria, in order to receive authorization and establish the program.

The bill requires HHSC, subject to receipt of any necessary federal authorization, to ensure that eligible and ineligible persons for the program are receiving certain services, to ensure that persons in the program are also provided certain services not covered under the Medicaid

program, and to designate and direct DARS to implement and coordinate the provision of services for the program or under the Medicaid program.

The bill requires DARS to submit a report to the governor and the Legislative Budget Board detailing the results of DARS determinations and actions taken under Section 117.075, Human Resources Code, as added by this Act, not later than November 1, 2007.

EFFECTIVE DATE

September 1, 2007.