

BILL ANALYSIS

Senate Research Center

S.B. 1766
By: Watson
Health & Human Services
4/11/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Terminology that referred to the "voucher payment program" enacted in the 76th Legislature has since changed in health-related fields to "consumer direction." However, the statutes have not changed to reflect the new terminology, and as a result, "consumer direction" remains undefined. A statutory work group related to voucher payment services is similarly unchanged and is set to expire this year.

As proposed, S.B. 1766 redefines "voucher payment system" and related matters as "consumer direction." This bill provides that certain new programs and terms are added regarding the voucher payment system. This bill additionally redefines the role of the consumer direction work group.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Health and Human Services Commission is modified in SECTION 2 (Section 531.051), Government Code) of this bill .

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 531.051, Government Code, to read as follows:

Sec. 531.051. CONSUMER DIRECTION OF CERTAIN SERVICES FOR PERSONS WITH DISABILITIES AND ELDERLY PERSONS.

SECTION 2. Amends Sections 531.051(a) through (d), Government Code, as follows:

(a) Defines "consumer direction" or "consumer direction model," "consumer-directed service option," "legally authorized representative," and "service responsibility option." Redefines "consumer." Deletes existing definitions of "personal assistance service" and "respite services."

(b) Requires HHSC to develop and oversee the implementation of consumer direction models (models) under which a person with a disability or an elderly person who is receiving certain state-funded or Medicaid-funded services, or the person's legally authorized representative, exercises control over the development and implementation of the person's individual service plan or over the persons who directly deliver the services. Deletes existing text requiring HHSC to develop and oversee the implementation of a program in which vouchers are established as a payment option for the delivery of certain state-funded or Medicaid-funded services to persons with disabilities (voucher payment program).

(c) Sets forth certain actions to be taken by HHSC in adopting rules for the consumer direction models, rather than the voucher payment program. Makes conforming changes.

(d) Authorizes the implementation of the models established under this section in appropriate and suitable programs, rather than only in appropriate programs, of HHSC or a health and human services agency. Deletes existing text authorizing the implementation of the models in programs of the Texas Department of Human Services, the Texas Department of Mental Health and Mental Retardation, the Texas Rehabilitation Commission, and the Texas Department of Health. Makes a conforming change.

SECTION 3. Amends the heading to Section 531.052, Government Code, to read as follows:

Sec. 531.052. CONSUMER DIRECTION WORK GROUP.

SECTION 4. Amends Section 531.052, Government Code, by amending Subsections (a), (b), (c), (e), and (g), and adding Subsection (c-1), as follows:

(a) Creates a work group to advise HHSC concerning the delivery of services through consumer direction in all programs offering long-term services and supports to ensure that consumers have access to a model that enhances the consumer's ability to have freedom and exercise control and authority over the consumer's choices, regardless of age or disability, and to assist HHSC in developing and implementing models and expanding the delivery of services through consumer direction. Makes a conforming change.

(b) Sets forth certain representatives for the composition of the work group.

(c) Deletes existing text requiring providers to be included in the majority of the work group's members.

(c-1) Provides that the work group's duties are to develop recommendations regarding certain aspects of consumer direction, to monitor national research for best practices in self-determination and consumer direction, and to develop recommendations and to provide assistance regarding certain consumer outreach efforts toward improved usage of models.

(e) Requires the executive commissioner of HHSC (executive commissioner), rather than the commissioner of health, to appoint a member of the work group to serve as presiding officer. Prohibits a representative of a state agency or provider organization, or a provider, from being the presiding officer.

(g) Requires the work group to report to the legislature regarding the work group's activities not later than September 1 of each even-numbered year. Deletes existing text providing an expiration date to this section.

SECTION 5. Repealer: Section 531.051(e) (regarding the requirement of the comptroller of public accounts to provide certain information to health and human service agencies with implemented voucher payment programs); Section 531.051(f) (regarding certain service for which Section 301.251(a) (regarding prohibition of certain practices without a nursing license), Occupations Code, does not apply if the service is provided under the voucher payment program); Section 531.051(g) (regarding parental or guardian involvement in a certain procedure); and Section 531.051(h) (regarding the authorization for certain services to be provided under the voucher payment program), Government Code.

SECTION 6. Requires the executive commissioner to ensure that the membership of the work group complies with the requirements of Section 531.052, Government Code, as amended by this Act, not later than January 1, 2008.

SECTION 7. Effective date: September 1, 2007.