

By: Brown of Kaufman

H.B. No. 3622

A BILL TO BE ENTITLED

AN ACT

relating to accessibility of services under Medicaid waiver programs.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.02182 and 531.02183 to read as follows:

Sec. 531.02182. PROCEDURES FOR CERTAIN MEDICAID WAIVER PROGRAM SERVICES. (a) This section applies only to a person who is on a waiting list for services under a Section 1915(c) waiver program if, at the time the services become available, the person:

(1) is ineligible for services under that waiver program but is likely eligible for services provided under another Section 1915(c) waiver program; or

(2) needs services that are not available under that waiver program but are available under another Section 1915(c) waiver program.

(b) If a person to whom this section applies is eligible for and needs services provided under another Section 1915(c) waiver program, the commission shall provide those services or place the person on the waiting list for the appropriate waiver program as of the date the person was originally placed on the waiting list for services under the Section 1915(c) waiver program for which the person is ineligible or that does not provide the needed services.

1       Sec. 531.02183. CERTAIN MEDICAID WAIVER PROGRAM SERVICES  
2 FOR PERSONS LEAVING CERTAIN FACILITIES. (a) In this section,  
3 "nursing facility waiver program" means:

- 4           (1) the medically dependent children program;  
5           (2) the community living assistance and support  
6 services program; and  
7           (3) the community based alternatives program.

8       (b) The commission and the Department of Aging and  
9 Disability Services may provide services under a Section 1915(c)  
10 waiver program, other than a nursing facility waiver program, to an  
11 individual leaving a nursing facility if the individual:

- 12           (1) meets the eligibility requirements for that  
13 Section 1915(c) waiver program; and  
14           (2) in order to leave the nursing facility, requires  
15 services that are available only under that Section 1915(c) waiver  
16 program.

17       (c) If an individual seeking to leave an intermediate care  
18 facility for the mentally retarded has been offered services under  
19 the ICF-MR waiver program, the Department of Aging and Disability  
20 Services may provide services to the individual under another  
21 Section 1915(c) waiver program if the individual leaving the  
22 facility:

- 23           (1) is determined to be ineligible for services  
24 provided under the ICF-MR waiver program; and  
25           (2) meets the eligibility requirements for and needs  
26 services provided under another Section 1915(c) waiver program.

27       SECTION 2. If before implementing any provision of this Act

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

6 SECTION 3. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2007.