

By: Davis of Harris

H.B. No. 3677

A BILL TO BE ENTITLED

AN ACT

relating to fiscal matters involving health and human services programs.

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

ARTICLE 1. BEHAVIORAL HEALTH SERVICES FOR CHILDREN

SECTION 1.01. Section 531.251, Government Code, is amended to read as follows:

Sec. 531.251. TEXAS INTEGRATED FUNDING INITIATIVE PILOT PROJECT [CONSORTIUM]; DEFINITION; EXPANSION PLAN. (a) In this subchapter, "council" means the Children's Behavioral Health Council established under Section 531.425.

(a-1) The council [~~commission~~] shall [~~form a consortium to~~] develop criteria for and implement the expansion of the Texas Integrated Funding Initiative pilot project and [~~to~~] develop local mental health care systems in communities for minors who are receiving residential mental health services or who are at risk of residential placement to receive mental health services. [~~The consortium must include representatives of the Texas Department of Mental Health and Mental Retardation, Department of Protective and Regulatory Services, Texas Education Agency, Texas Youth Commission, Texas Juvenile Probation Commission, and Texas Commission on Alcohol and Drug Abuse and an equal number of family advocates.~~]

(b) The commission and the council [~~consortium~~] shall:

1 (1) develop a model and guidelines for the delivery of
2 mental health services and support to a minor, initiated before the
3 person's 18th birthday, including best practices in the financing,
4 administration, governance, and delivery of those services;

5 (2) establish a plan to expand the Texas Integrated
6 Funding Initiative so that the initiative may operate in up to six
7 communities; and

8 (3) identify appropriate sources of state and federal
9 funding to finance mental health services under the initiative from
10 a central fund for expansion communities.

11 SECTION 1.02. Section 531.252(b), Government Code, is
12 amended to read as follows:

13 (b) The commission and the council [~~consortium~~] shall
14 develop criteria to evaluate proposals for selecting expansion
15 communities to participate in the expanded initiative. The
16 criteria must:

17 (1) reflect the underlying principles of the Texas
18 Integrated Funding Initiative;

19 (2) emphasize services that are culturally competent,
20 family-centered, and seamless;

21 (3) identify populations to be served under the
22 proposals;

23 (4) establish for the expansion communities service
24 outcome goals related to minors who are receiving residential
25 mental health services or who are at risk of residential placement
26 to receive mental health services, including:

27 (A) decreasing incidents of abuse or neglect of

1 the minors;

2 (B) reducing recidivism rates of juvenile
3 offenders;

4 (C) increasing school attendance and progress of
5 the minors;

6 (D) reducing the rate of placement of the minors
7 in residential treatment;

8 (E) increasing the rate of reunification of the
9 minors with their families;

10 (F) improving the emotional, behavioral, and
11 social adjustment of the minors; and

12 (G) improving the stability of placements of the
13 minors;

14 (5) provide for locations of participating
15 communities in urban, suburban, and rural settings; and

16 (6) specify information that must be provided in a
17 proposal for a community, including:

18 (A) information on the costs of the activities
19 proposed; and

20 (B) the characteristics of minors in the
21 community who are in residential care for mental health services or
22 who are at risk of being placed in residential care to receive
23 mental health services.

24 SECTION 1.03. Section 531.253, Government Code, is amended
25 to read as follows:

26 Sec. 531.253. SELECTION OF EXPANSION COMMUNITIES. The
27 commission and the council [~~consortium~~] shall review proposals for

1 expansion communities and approve participation of not more than
2 six communities to participate in the initiative. The selected
3 communities must be those that best meet the criteria developed
4 under Section 531.252.

5 SECTION 1.04. Section 531.254, Government Code, is amended
6 to read as follows:

7 Sec. 531.254. SYSTEM DEVELOPMENT COLLABORATION. The
8 commission, the council [~~consortium~~], and the expansion
9 communities shall collaborate to develop and shall share technical
10 assistance and training resources to aid communities in developing
11 local systems for delivering mental health services to minors.

12 SECTION 1.05. Sections 531.255(a), (b), and (c), Government
13 Code, are amended to read as follows:

14 (a) The commission and the council [~~Texas Department of~~
15 ~~Mental Health and Mental Retardation~~] jointly shall monitor the
16 progress of the expansion communities.

17 (b) The commission, the council [~~consortium~~], and the
18 expansion communities shall collaborate to develop a system to
19 evaluate the success of the expansion communities in achieving
20 outcome goals for the minors the communities serve, including
21 outcome goals developed under Section 531.252. An evaluation under
22 the system must include information on cost avoidance and net
23 savings that result from participation in the initiative.

24 (c) Each expansion community shall identify the baseline
25 information to compare with the information on outcomes in
26 evaluating the achievements of the community. A community is
27 responsible for collecting and reporting outcome information to the

1 commission and the council in accordance with the requirements of
2 the evaluation system developed under Subsection (b).

3 SECTION 1.06. Section 531.421, Government Code, is amended
4 by adding Subdivision (3-a) to read as follows:

5 (3-a) "Council" means the Children's Behavioral Health
6 Council established under Section 531.425.

7 SECTION 1.07. Section 531.422(c), Government Code, is
8 amended to read as follows:

9 (c) Each community resource coordination group shall submit
10 the report described by Subsection (b) to the council [~~consortium~~].
11 The council [~~consortium~~] shall provide a deadline to each group for
12 submitting the reports. The time frame for completing the reports
13 must be coordinated with any regional reviews by the commission of
14 the delivery of related services.

15 SECTION 1.08. Section 531.423, Government Code, is amended
16 to read as follows:

17 Sec. 531.423. SUMMARY REPORT BY COUNCIL [~~TEXAS INTEGRATED~~
18 ~~FUNDING INITIATIVE CONSORTIUM~~]. (a) The council [~~consortium~~]
19 shall create a summary report based on the evaluations in the
20 reports submitted to the council [~~consortium~~] by community resource
21 coordination groups under Section 531.422. The council's
22 [~~consortium's~~] report must include recommendations for policy and
23 statutory changes at each agency that is involved in the provision
24 of systems of care services and the outcome expected from
25 implementing each recommendation.

26 (b) The council [~~consortium~~] shall coordinate, where
27 appropriate, the recommendations in the report created under this

1 section with recommendations in the assessment developed under
2 Chapter 23 [~~S.B. No. 491~~], Acts of the 78th Legislature, Regular
3 Session, 2003, and with the continuum of care developed under
4 Section 533.040(d), Health and Safety Code [~~S.B. No. 490, Acts of~~
5 ~~the 78th Legislature, Regular Session, 2003~~].

6 (c) The council [~~consortium~~] may include in the report
7 created under this section recommendations for the statewide
8 expansion of sites participating in the Texas Integrated Funding
9 Initiative under Subchapter G-1 [~~G, Chapter 531, as added by~~
10 ~~Chapter 446, Acts of the 76th Legislature, Regular Session, 1999,~~]
11 and the integration of services provided at those sites with
12 services provided by community resource coordination groups.

13 (d) The council [~~consortium~~] shall provide a copy of the
14 report created under this section to each agency for which the
15 report makes a recommendation and to other agencies as appropriate.

16 SECTION 1.09. Subchapter L, Chapter 531, Government Code,
17 is amended by adding Sections 531.425 through 531.428 to read as
18 follows:

19 Sec. 531.425. CHILDREN'S BEHAVIORAL HEALTH COUNCIL. (a)
20 The Children's Behavioral Health Council is established to provide
21 a coordinated, comprehensive, interagency approach to the
22 development and delivery of behavioral health services to children.

23 (b) The council is composed of one representative from each
24 of the following state agencies, appointed by the chief
25 administrative officer of the respective agency:

26 (1) the Health and Human Services Commission;

27 (2) the Department of State Health Services;

- 1 (3) the Department of Family and Protective Services;
- 2 (4) the Department of Assistive and Rehabilitative
- 3 Services;
- 4 (5) the Department of Aging and Disability Services;
- 5 (6) the Texas Education Agency;
- 6 (7) the Texas Correctional Office on Offenders with
- 7 Medical or Mental Impairments;
- 8 (8) the Texas Juvenile Probation Commission; and
- 9 (9) the Texas Youth Commission.

10 (c) The members of the council shall annually elect one

11 member to serve as chairperson.

12 (d) The council, with the advice of the advisory committee

13 established under Section 531.426, shall:

14 (1) develop and implement coordinated state policies

15 to improve the behavioral health of children;

16 (2) develop a coordinated system for planning and

17 budgeting that establishes priorities and strategies for the

18 coordinated delivery of behavioral health services to children;

19 (3) develop a coordinated system to track and report

20 spending on behavioral health services for children by agencies

21 represented by a member of the council;

22 (4) administer state grants for development of local

23 systems of care services;

24 (5) develop a plan to support the statewide expansion

25 of local systems of care services;

26 (6) provide technical assistance and training to local

27 providers of systems of care services;

1 (7) design an integrated funding structure for the
2 provision of behavioral health services for children in accordance
3 with Section 531.427; and

4 (8) assess the provision of behavioral health services
5 to children to eliminate duplication of efforts and identify
6 opportunities to consolidate those efforts.

7 (e) The council is administratively attached to the
8 commission. The commission shall provide administrative support
9 and resources to the council as necessary to enable the council to
10 perform its duties.

11 (f) The council is not subject to Chapter 2110.

12 Sec. 531.426. CHILDREN'S BEHAVIORAL HEALTH ADVISORY
13 COMMITTEE. (a) The commission shall establish the Children's
14 Behavioral Health Advisory Committee to assist the council in the
15 performance of its duties.

16 (b) The governor shall appoint to the advisory committee
17 representatives from advocacy groups and organizations with
18 expertise in behavioral health issues involving children and from
19 other family advocates. The governor shall appoint as many members
20 to the advisory committee as the council considers necessary to
21 assist the council in performing its duties, but not less than the
22 number of agency representatives on the council.

23 (c) The advisory committee shall elect one member to serve
24 as chairperson, and shall meet in accordance with commission rules.

25 (d) A member of the advisory committee may not receive
26 compensation for serving on the committee, but is entitled to
27 reimbursement for travel expenses incurred while conducting the

1 business of the committee, as provided by the General
2 Appropriations Act.

3 (e) The commission shall provide administrative support and
4 resources to the advisory committee as necessary to enable the
5 committee to perform its duties.

6 (f) The committee is not subject to Chapter 2110.

7 Sec. 531.427. INTEGRATED FUNDING STRUCTURE FOR CERTAIN
8 BEHAVIORAL HEALTH SERVICES. (a) The council shall design an
9 integrated cross-agency funding structure for the provision of
10 behavioral health services to children.

11 (b) In creating the funding structure, the council shall
12 consider:

13 (1) the use of existing categorical or noncategorical
14 federal, state, and local funds;

15 (2) the use of blended or braided funding
16 arrangements;

17 (3) which funds should be included in the funding
18 structure and how the funds should be structured; and

19 (4) the persons that should control and manage the
20 funds, including managed care financing structures.

21 (c) The council may hire a consultant to assist with
22 designing the funding structure.

23 (d) Not later than June 1, 2008, the council shall submit a
24 report to the governor and the Legislative Budget Board that:

25 (1) describes the funding structure designed by the
26 council; and

27 (2) identifies the steps necessary to implement the

1 structure, including identification of necessary statutory changes
2 or federal approvals.

3 (e) Subsection (d) and this subsection expire September 1,
4 2008.

5 Sec. 531.428. HOME AND COMMUNITY SERVICES FOR CHILDREN WITH
6 SEVERE EMOTIONAL DISTURBANCES. (a) The commission shall maximize
7 funding for home and community-based services for children with
8 severe emotional disturbances by providing those services, to the
9 greatest extent possible, through a Section 1915(c) waiver program
10 or other Medicaid program. Not later than September 1, 2008, the
11 commission shall identify each service the commission anticipates
12 could be delivered cost-effectively in that manner using existing
13 resources and seek federal approval as necessary to permit the
14 delivery of services in that manner.

15 (b) Notwithstanding any other provision of this section,
16 the commission may implement maximization financing strategies at a
17 location providing systems of care services.

18 SECTION 1.10. Section 531.421(3), Government Code, is
19 repealed.

20 SECTION 1.11. Not later than October 1, 2007, the chief
21 administrative officer of each agency listed in Section 531.425(b),
22 Government Code, as added by this article, shall appoint the
23 agency's representative to the Children's Behavioral Health Council
24 established by that section.

25 SECTION 1.12. (a) Not later than November 1, 2007, the
26 governor shall appoint the initial members of the Children's
27 Behavioral Health Advisory Committee created by Section 531.426,

1 Government Code, as added by this article.

2 (b) In making initial appointments, the governor must
3 include the public members serving immediately before the effective
4 date of this article on the Texas Integrated Funding Initiative
5 Consortium, as formed under Section 531.251, Government Code, as
6 that section existed before amendment by this article, provided
7 that those members wish to continue to serve.

8 SECTION 1.13. The changes in law made by this article to
9 Subchapter G-1, Chapter 531, Government Code, do not affect the
10 funding for or provision of services by a community participating
11 in the Texas Integrated Funding Initiative under that subchapter
12 before the effective date of this article.

13 ARTICLE 2. PARTICIPATION IN CERTAIN TANF EMPLOYMENT PROGRAMS

14 SECTION 2.01. Subchapter A, Chapter 31, Human Resources
15 Code, is amended by adding Section 31.0021 to read as follows:

16 Sec. 31.0021. DEFINITION OF NONRECIPIENT PARENT. (a)
17 Except as provided by Subsection (b), in this chapter,
18 "nonrecipient parent" means an adult or minor parent who is not a
19 recipient of financial assistance but who is living with the
20 person's child who is a recipient of financial assistance.

21 (b) "Nonrecipient parent" does not include:

22 (1) a minor parent who is not the head of household;

23 (2) a person who is ineligible for financial
24 assistance because of the person's immigration status; or

25 (3) a parent who cares for a disabled family member
26 living in the home if the family member does not attend school
27 full-time and the need for the care is supported by medical

1 documentation.

2 SECTION 2.02. Section 31.0033(d), Human Resources Code, is
3 amended to read as follows:

4 (d) The department by rule shall establish criteria for good
5 cause failure to cooperate and guidelines for what constitutes a
6 good faith effort on behalf of a recipient under this section,
7 except that the Texas Workforce Commission shall establish criteria
8 for good cause failure to cooperate with regard to work or
9 employment activities in accordance with Section 31.012(b).

10 SECTION 2.03. The heading to Section 31.012, Human
11 Resources Code, is amended to read as follows:

12 Sec. 31.012. MANDATORY WORK OR PARTICIPATION IN EMPLOYMENT
13 ACTIVITIES [~~THROUGH THE JOB OPPORTUNITIES AND BASIC SKILLS~~
14 ~~PROGRAM~~].

15 SECTION 2.04. Section 31.012, Human Resources Code, is
16 amended by amending Subsections (a) through (d) and adding
17 Subsections (c-1) and (g) to read as follows:

18 (a) The Health and Human Services Commission [~~department~~]
19 shall require that, during any one-month period in which an adult is
20 receiving or the child of a nonrecipient parent is receiving
21 financial assistance under this chapter, the adult or nonrecipient
22 parent shall during that period:

23 (1) work not less than 30 hours a week; or

24 (2) participate for not less than 20 hours a week in an
25 activity established under a Temporary Assistance for Needy
26 Families employment program under Part A, Subchapter IV, Social
27 Security Act (42 U.S.C. Section 601 et seq.) [~~the job opportunities~~

1 ~~and basic skills (JOBS) training program under Part F, Subchapter~~
2 ~~IV, Social Security Act (42 U.S.C. Section 682)].~~

3 (b) The Texas Workforce Commission [~~department~~] by rule
4 shall establish criteria for good cause failure to cooperate and
5 for notification procedures regarding participation in work or
6 employment activities under this section.

7 (c) An adult recipient providing care for a disabled family
8 member living in the home, if the family member does not attend
9 school full-time, [~~A person who is the caretaker of a physically or~~
10 ~~mentally disabled child who requires the caretaker's presence] is
11 not required to participate in a program under this section. A
12 single person who is the caretaker of a child is not required to
13 participate in a program under this section [~~exempt~~] until the
14 caretaker's youngest child at the time the caretaker first became
15 eligible for assistance reaches the age of one. Notwithstanding
16 Sections 31.0035(b) and 32.0255(b), the department shall provide to
17 a person who is not required to participate in a program [~~exempt~~]
18 under this subsection and who voluntarily participates in a program
19 under Subsection (a)(2) six months of transitional benefits in
20 addition to the applicable limit prescribed by Section 31.0065.~~

21 (c-1) Notwithstanding Section 531.0055, Government Code,
22 the executive commissioner of the Health and Human Services
23 Commission may not adopt rules that provide exceptions to a
24 person's required participation in work or employment activities
25 that are in addition to the exceptions provided by Subsection (c).

26 (d) A state program operated under this section shall be
27 administered by the division of workforce development of the Texas

1 Workforce Commission [~~when the program is transferred to that~~
2 ~~commission~~].

3 (g) A nonrecipient parent who receives Supplemental
4 Security Income (SSI) benefits under 42 U.S.C. Section 1381 et
5 seq., as amended, is not subject to the requirements of this
6 section. The Texas Workforce Commission may provide services to
7 the nonrecipient parent under this chapter in accordance with
8 commission rules.

9 SECTION 2.05. Section 31.014(a), Human Resources Code, is
10 amended to read as follows:

11 (a) The Health and Human Services Commission [~~department~~]
12 shall provide financial assistance, in accordance with
13 [~~department~~] rules adopted by the executive commissioner of the
14 Health and Human Services Commission, to a two-parent family if the
15 primary wage earner parent, other than a nonrecipient parent
16 described by Section 31.012(g), is registered with a Temporary
17 Assistance for Needy Families employment program under Part A,
18 Subchapter IV, Social Security Act (42 U.S.C. Section 601 et seq.)
19 [~~in the job opportunities and basic skills (JOBS) training program~~
20 ~~under Part F, Subchapter IV, Social Security Act (42 U.S.C. Section~~
21 ~~682)], or is registered with the Texas Workforce [~~Employment~~]
22 Commission.~~

23 SECTION 2.06. Sections 31.0126(c) and 31.014(c), Human
24 Resources Code, are repealed.

25 SECTION 2.07. The changes in law made by this article apply
26 to a person receiving financial assistance, including a
27 nonrecipient parent, as defined by Section 31.0021, Human Resources

1 Code, as added by this article, on or after the effective date of
2 this article, regardless of the date the determination of
3 eligibility for that assistance was made.

4 ARTICLE 3. HEALTH INSURANCE PREMIUM PAYMENT REIMBURSEMENT PROGRAM
5 FOR MEDICAID RECIPIENTS

6 SECTION 3.01. Section 32.0422, Human Resources Code, is
7 amended by adding Subsections (m-1) and (m-2) to read as follows:

8 (m-1) The Health and Human Services Commission, in
9 consultation with the Texas Department of Insurance, shall provide
10 training to agents who hold a general life, accident, and health
11 license under Chapter 4054, Insurance Code, regarding the health
12 insurance premium payment reimbursement program and the
13 eligibility requirements for participation in the program.
14 Participation in a training program established under this
15 subsection is voluntary, and a general life, accident, and health
16 agent who successfully completes the training is entitled to
17 receive continuing education credit under Subchapter B, Chapter
18 4004, Insurance Code, in accordance with rules adopted by the
19 commissioner of insurance.

20 (m-2) The Health and Human Services Commission may pay a
21 referral fee, in an amount determined by the commission, to each
22 general life, accident, and health agent who, after completion of
23 the training program established under Subsection (m-1),
24 successfully refers an eligible individual to the department for
25 enrollment in a group health benefit plan under this section.

26 ARTICLE 4. LONG-TERM CARE

27 SECTION 4.01. Chapter 32, Human Resources Code, is amended

1 by adding Subchapter C to read as follows:

2 SUBCHAPTER C. PARTNERSHIP FOR LONG-TERM CARE PROGRAM

3 Sec. 32.101. DEFINITIONS. In this subchapter:

4 (1) "Approved plan" means a long-term care benefit
5 plan that is approved by the Texas Department of Insurance under
6 Subchapter C, Chapter 1651, Insurance Code.

7 (2) "Asset disregard" means the total equity value of
8 assets and resources not exempt under rules governing the medical
9 assistance program that are disregarded in determining eligibility
10 for the medical assistance program and in determining estate
11 recovery obligations.

12 (3) "Asset protection" means the right extended to a
13 plan holder of an approved plan to dollar-for-dollar asset
14 disregard under the medical assistance program.

15 (4) "Dollar-for-dollar asset disregard" means an
16 asset disregard in which the amount of the disregard is equal to the
17 sum of qualifying benefit payments made on behalf of the qualified
18 plan holder.

19 (5) "Executive commissioner" means the executive
20 commissioner of the Health and Human Services Commission.

21 (6) "Partnership for long-term care program" means the
22 program established under this subchapter and Subchapter C, Chapter
23 1651, Insurance Code.

24 Sec. 32.102. PARTNERSHIP FOR LONG-TERM CARE PROGRAM. The
25 partnership for long-term care program is administered as part of
26 the medical assistance program by the department with the
27 assistance of the Texas Department of Insurance. The program must

1 be consistent with provisions governing the expansion of a state
2 long-term care partnership program established under the federal
3 Deficit Reduction Act of 2005 (Pub. L. No. 109-171).

4 Sec. 32.103. ASSET DISREGARD. (a) To the extent allowed
5 by the federal Deficit Reduction Act of 2005 (Pub. L. No. 109-171)
6 and other federal law, the executive commissioner, in adopting
7 rules and standards governing the medical assistance program, shall
8 allow for dollar-for-dollar asset disregard to provide medical
9 assistance to an individual receiving long-term care services if
10 the individual is or was covered by a long-term care benefit plan
11 providing coverage for long-term care that meets the applicable
12 minimum benefit standards of the commissioner of the Texas
13 Department of Insurance under Subchapter C, Chapter 1651, Insurance
14 Code, and other requirements for approval under the partnership for
15 long-term care program.

16 (b) The department may not consider the resources of an
17 individual who has used all or part of the individual's benefits
18 under an approved plan to the extent those resources are the subject
19 of a dollar-for-dollar asset disregard in determining:

20 (1) eligibility for medical assistance under the
21 medical assistance program;

22 (2) the amount of medical assistance provided; or

23 (3) any subsequent recovery by this state from the
24 individual's estate for medical assistance provided to the
25 individual.

26 (c) The department may not provide to an individual eligible
27 for medical assistance under this section those medical assistance

1 services covered under the medical assistance program that are also
2 covered by the individual's benefits under the approved plan until
3 the individual has fully exhausted the individual's benefits under
4 the plan.

5 Sec. 32.104. RECIPROCAL AGREEMENTS. The department may
6 enter into reciprocal agreements with other states to extend asset
7 protection to a resident of this state who purchased a long-term
8 care benefit plan in another state that has a substantially similar
9 asset disregard program.

10 Sec. 32.105. TECHNICAL ASSISTANCE AND INFORMATION. The
11 Health and Human Services Commission shall provide information and
12 technical assistance to the Texas Department of Insurance regarding
13 that department's role in ensuring that each individual who sells a
14 long-term care benefit plan under the partnership for long-term
15 care program receives training and demonstrates evidence of an
16 understanding of these plans and how the plans relate to other
17 public and private coverage of long-term care.

18 Sec. 32.106. RULES. (a) The executive commissioner shall
19 adopt rules as necessary to administer the partnership for
20 long-term care program and to implement this subchapter.

21 (b) In adopting rules under this section, the executive
22 commissioner shall:

23 (1) provide for dollar-for-dollar asset disregard and
24 asset protection for purchasers of an approved plan; and

25 (2) count benefits paid under the approved plan toward
26 the dollar-for-dollar asset disregard to the extent the benefits
27 are provided for covered services under the approved plan.

1 SECTION 4.02. Chapter 1651, Insurance Code, is amended by
2 adding Subchapter C to read as follows:

3 SUBCHAPTER C. PARTNERSHIP FOR LONG-TERM CARE PROGRAM

4 Sec. 1651.101. DEFINITIONS. In this subchapter:

5 (1) "Approved plan" means a long-term care benefit
6 plan that is approved by the department under this subchapter.

7 (2) "Dollar-for-dollar asset disregard" and "asset
8 protection" have the meanings assigned by Section 32.101, Human
9 Resources Code.

10 (3) "Medical assistance program" means the medical
11 assistance program established under Chapter 32, Human Resources
12 Code.

13 (4) "Partnership for long-term care program" means the
14 program established under Subchapter C, Chapter 32, Human Resources
15 Code, and this subchapter.

16 Sec. 1651.102. APPLICABILITY. Except to the extent of a
17 conflict, Subchapters A and B apply to a plan issued in accordance
18 with this subchapter.

19 Sec. 1651.103. ASSISTANCE OF DEPARTMENT. The department
20 shall assist the Health and Human Services Commission as necessary
21 for the commission to perform its duties and functions with respect
22 to the administration of the partnership for long-term care
23 program.

24 Sec. 1651.104. LONG-TERM CARE INSURANCE POLICY FOR
25 PARTNERSHIP FOR LONG-TERM CARE PROGRAM. The commissioner, in
26 consultation with the Health and Human Services Commission, shall
27 adopt minimum standards for a long-term care benefit plan that may

1 qualify as an approved plan under the partnership for long-term
2 care program. The standards must be consistent with provisions
3 governing the expansion of a state long-term care partnership
4 program established under the federal Deficit Reduction Act of 2005
5 (Pub. L. No. 109-171).

6 Sec. 1651.105. EFFECT OF DISCONTINUATION OF PROGRAM ON
7 POLICY. If the partnership for long-term care program is
8 discontinued, an individual who purchased an approved plan before
9 the date the program is discontinued remains eligible to receive
10 dollar-for-dollar asset disregard and asset protection under the
11 medical assistance program.

12 Sec. 1651.106. RULES. The commissioner may adopt rules as
13 necessary to implement this subchapter.

14 SECTION 4.03. The Health and Human Services Commission
15 shall amend this state's Medicaid plan as necessary to allow for
16 dollar-for-dollar asset disregard and asset protection for
17 purchasers of an approved policy under the partnership for
18 long-term care program established under Subchapter C, Chapter 32,
19 Human Resources Code, as added by this article.

20 ARTICLE 5. LIFESPAN RESPITE SERVICES PILOT PROGRAM

21 SECTION 5.01. Subchapter D, Chapter 161, Human Resources
22 Code, is amended by adding Section 161.075 to read as follows:

23 Sec. 161.075. LIFESPAN RESPITE SERVICES PILOT PROGRAM. (a)
24 In this section, "respite services" means support services,
25 including in-home services, adult day-care services, and
26 facility-based services, that are provided for the purpose of
27 temporarily giving relief to a primary caregiver who provides

1 ongoing care to an individual with a chronic illness or disability.

2 (b) The department shall develop and implement the lifespan
3 respite services pilot program to promote the provision of respite
4 services. As part of the pilot program, the executive commissioner
5 shall contract with community-based organizations or local
6 governmental entities selected by the department to provide respite
7 services or to facilitate access to local respite services.

8 (c) A community-based organization or local governmental
9 entity that receives a contract under this section to facilitate
10 access to local respite services may:

11 (1) recruit and train respite services providers;

12 (2) maintain a registry of respite services providers;

13 (3) connect caregivers with available respite
14 services providers or programs;

15 (4) identify, coordinate, and develop community
16 resources for respite services;

17 (5) build local partnerships with respect to respite
18 services;

19 (6) implement public awareness activities regarding
20 respite services; and

21 (7) subject to the availability of funds, provide
22 vouchers for respite services to eligible primary caregivers, as
23 determined by rule of the executive commissioner, who are not
24 eligible for respite services provided through other programs.

25 (d) In implementing the pilot program, the department
26 shall:

27 (1) provide technical assistance to community-based

1 organizations and local governmental entities that receive a
2 contract under this section;

3 (2) provide policy and program development support for
4 organizations and entities described by Subdivision (1);

5 (3) monitor the activities for which the executive
6 commissioner contracts under this section; and

7 (4) select the areas of this state in which to
8 implement the pilot program.

9 (e) The executive commissioner shall adopt rules necessary
10 to implement the pilot program, including:

11 (1) selection criteria for the award of contracts to
12 community-based organizations and local governmental entities; and

13 (2) guidelines for contract monitoring and reporting.

14 (f) In developing the pilot program and adopting rules under
15 this section, the department and executive commissioner,
16 respectively, shall review similar initiatives in other states.

17 (g) This section expires September 1, 2011.

18 SECTION 5.02. Not later than November 1, 2010, the
19 executive commissioner of the Health and Human Services Commission,
20 in consultation with the Department of Aging and Disability
21 Services, shall submit a report to the governor and the Legislative
22 Budget Board regarding the lifespan respite services pilot program
23 established under Section 161.075, Human Resources Code, as added
24 by this article. The report must include an evaluation of the
25 effect of the pilot program on:

26 (1) access to respite services by primary caregivers
27 of persons with chronic illnesses or disabilities; and

1 (2) Medicaid expenditures for long-term care services
2 provided in institutional care settings.

3 ARTICLE 6. WAIVER

4 SECTION 6.01. If before implementing any provision of this
5 Act a state agency determines that a waiver or authorization from a
6 federal agency is necessary for implementation of that provision,
7 the agency affected by the provision shall request the waiver or
8 authorization and may delay implementing that provision until the
9 waiver or authorization is granted.

10 ARTICLE 7. EFFECTIVE DATE

11 SECTION 7.01. This Act takes effect September 1, 2007.