

By: Deuell, et al.

S.B. No. 318

A BILL TO BE ENTITLED

AN ACT

relating to Medicaid incentive payments for direct nursing care provided by nursing homes.

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

SECTION 1. Subsections (g) and (i), Section 32.028, Human Resources Code, are amended to read as follows:

(g) Subject to Subsection (i), the Health and Human Services Commission shall ensure that the rules governing the determination of rates paid for nursing home services improve the quality of care by:

(1) providing a program offering incentives for increasing direct care staff and direct care wages and benefits, ~~[but only to the extent that appropriated funds are available after money is allocated to base rate reimbursements]~~ as determined by the Health and Human Services Commission's nursing facility rate setting methodologies; and

(2) if appropriated funds are available after money is allocated for payment of incentive-based rates under Subdivision (1), providing incentives that incorporate the use of a quality of care index, a customer satisfaction index, and a resolved complaints index developed by the commission.

(i) Changes in funding for nursing facility payment rates are intended to change the base rate and incentive-based rate by equal percentages. The Health and Human Services Commission shall

1 ensure that rules governing the incentives program described by
2 Subsection (g)(1):

3 (1) provide that participation in the program by a
4 nursing home is voluntary;

5 (2) do not impose on a nursing home not participating
6 in the program a minimum spending requirement for direct care staff
7 wages and benefits;

8 (3) do not set a base rate for a nursing home
9 participating in the program that is more than the base rate for a
10 nursing home not participating in the program; and

11 (4) establish a funding process to provide incentives
12 for increasing direct care staff and direct care wages and benefits
13 in accordance with appropriations provided.

14 SECTION 2. If before implementing any provision of this Act
15 a state agency determines that a waiver or authorization from a
16 federal agency is necessary for implementation of that provision,
17 the agency affected by the provision shall request the waiver or
18 authorization and may delay implementing that provision until the
19 waiver or authorization is granted.

20 SECTION 3. This Act takes effect September 1, 2007.