

By: Deuell

S.B. No. 319

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of money appropriated to provide institutional care for certain persons to provide community-based services to those persons.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0921 to read as follows:

Sec. 531.0921. PROGRAM FOR FUNDING COMMUNITY-BASED SERVICES FOR PERSONS PREVIOUSLY RECEIVING INSTITUTIONAL CARE. (a) In this section:

(1) "ICF-MR" has the meaning assigned by Section 531.002, Health and Safety Code.

(2) "Large ICF-MR facility" means an ICF-MR facility that has 14 or more beds certified under the state Medicaid program.

(3) "State school" has the meaning assigned by Section 531.002, Health and Safety Code.

(b) The commission shall direct the Department of Aging and Disability Services to develop and implement a program to:

(1) quantify the amount of money appropriated by the legislature that would have been spent during the remainder of a state fiscal biennium to care for a person who lives in a state school or large ICF-MR facility but who is leaving that school or facility before the end of the biennium to live in the community with the assistance of community-based services provided through a

1 medical assistance waiver program; and

2 (2) notwithstanding any other state law and to the  
3 maximum extent allowed by federal law, transfer at the time the  
4 person leaves the school or facility the amount quantified under  
5 Subdivision (1) within the department's budget or among the  
6 commission and the health and human services agencies as necessary  
7 to comply with this section.

8 (c) The amount transferred under this section must be  
9 redirected by the commission or a health and human services agency  
10 to one or more community-based programs to provide community-based  
11 services to the person through a medical assistance waiver program  
12 after the person leaves the state school or large ICF-MR facility.

13 (d) The executive commissioner shall adopt rules under  
14 which the commission may decertify an appropriate Medicaid bed for  
15 each person who leaves a state school or large ICF-MR facility and  
16 for whom money is transferred under Subsection (b)(2).

17 (e) Not later than December 1, 2008, the commission and the  
18 Department of Aging and Disability Services shall submit a joint  
19 report concerning the effectiveness of the program to the governor  
20 and the committees of each house of the legislature that have  
21 primary oversight jurisdiction over health and human services  
22 agencies. The report must include a recommendation regarding  
23 expanding the program to additional ICF-MR facilities.

24 SECTION 2. Not later than December 1, 2007:

25 (1) the Department of Aging and Disability Services  
26 shall implement the program under Section 531.0921, Government  
27 Code, as added by this Act; and

1           (2) the executive commissioner of the Health and Human  
2 Services Commission shall adopt rules required by Section  
3 531.0921(d), Government Code, as added by this Act.

4           SECTION 3. If before implementing any provision of this Act  
5 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          SECTION 4. This Act takes effect September 1, 2007.