

1-1 By: Brimer S.B. No. 1481  
1-2 (In the Senate - Filed March 8, 2007; March 20, 2007, read  
1-3 first time and referred to Committee on Health and Human Services;  
1-4 May 4, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; May 4, 2007, sent  
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1481 By: Deuell

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to payments to nursing facilities based on TILE  
1-11 classifications assigned to residents of those facilities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter B, Chapter 531, Government Code, is  
1-14 amended by adding Sections 531.099 and 531.0991 to read as follows:

1-15 Sec. 531.099. TILE REIMBURSEMENT PAYMENTS. (a) In this  
1-16 section, "TILE classification" means the classification assigned  
1-17 under the Texas Index for Level of Effort classification system to a  
1-18 nursing facility resident that quantifies the intensity of the care  
1-19 needs of the resident and determines the daily reimbursement rate  
1-20 for that care.

1-21 (b) The commission shall ensure that the rules governing  
1-22 reimbursement payments to nursing facilities based on TILE  
1-23 classifications:

1-24 (1) do not deny or reduce payments to a nursing  
1-25 facility as a result of a clerical, technical, or nonmedical error  
1-26 made on a commission claims form, including a missing signature,  
1-27 date, or license number, in cases in which medically necessary care  
1-28 was provided by the nursing facility and reimbursement is supported  
1-29 by the facility's level of effort;

1-30 (2) provide that a payment may not be recouped or  
1-31 withheld from a nursing facility until the earlier of:

1-32 (A) the date all administrative appeals are  
1-33 exhausted or waived;

1-34 (B) the date the executive commissioner issues a  
1-35 final order following a proposal for decision from the State Office  
1-36 of Administrative Hearings; or

1-37 (C) the first anniversary of the date the nursing  
1-38 facility filed the administrative appeal of the TILE classification  
1-39 determination; and

1-40 (3) permit a nursing facility to identify  
1-41 documentation errors related to reimbursement payments based on  
1-42 TILE classifications and provide a process by which the nursing  
1-43 facility may refund any money that was inappropriately paid as a  
1-44 result of an identified documentation error.

1-45 Sec. 531.0991. RECONSIDERATION OF TILE CLASSIFICATION.

1-46 (a) In this section, "TILE classification" has the meaning  
1-47 assigned by Section 531.099.

1-48 (b) If a nursing facility or hospice provider disagrees with  
1-49 the commission's TILE classification of a nursing facility resident  
1-50 and submits a reconsideration request for that classification as  
1-51 provided by commission rules, the commission shall review and make  
1-52 a determination on the request not later than the 30th day after the  
1-53 date the commission receives the request.

1-54 (c) If the commission does not make a determination on a  
1-55 reconsideration request during the period required by Subsection  
1-56 (b), the TILE classification requested by the nursing facility or  
1-57 hospice provider for the nursing facility resident is considered  
1-58 granted, and that TILE classification and the associated daily  
1-59 reimbursement rate is assigned to the resident retroactively to the  
1-60 effective date of the incorrect TILE classification.

1-61 SECTION 2. Section 531.0991, Government Code, as added by  
1-62 this Act, applies to a reimbursement reconsideration request  
1-63 submitted by a nursing facility on or after the effective date of

2-1 this Act.

2-2 SECTION 3. If before implementing any provision of this Act  
2-3 a state agency determines that a waiver or authorization from a  
2-4 federal agency is necessary for implementation of that provision,  
2-5 the agency affected by the provision shall request the waiver or  
2-6 authorization and may delay implementing that provision until the  
2-7 waiver or authorization is granted.

2-8 SECTION 4. This Act takes effect September 1, 2007.

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