

BILL ANALYSIS

C.S.H.B. 1398
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, there are a variety of programs in Texas designed to help the elderly and those with disabilities. However, navigating the services available and learning how to access those services can be confusing and time-consuming.

Information about long-term care services is available through a variety of sources, such as the Department of Aging and Disability Services offices, Health and Human Services Commission offices, Aging and Disability Resource Centers, and area agencies on aging. For the purposes of determining eligibility and enrollment for various services, an applicant must go to the funding source, which could mean visits to several different agencies.

C.S.H.B. 1398 authorizes up to three pilot projects in Texas to institute a comprehensive, single point of entry system to simplify and expedite the process of accessing long-term care services.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1398 amends the Government Code to require the Health and Human Services Commission (HHSC) to develop and implement in not more than three geographic areas of the state a pilot project to establish a comprehensive single point of entry system for long-term services and supports for older persons and persons with physical disabilities in which colocated long-term services and supports staff members work in collaboration to provide all necessary services in connection with long-term services and supports from the intake process to the start of service delivery. The bill requires the pilot project to require staff members at a minimum to work collaboratively to inform and educate older persons, persons with physical disabilities, and their family members and other caregivers about long-term services and supports for which they may qualify, screen older persons and persons with disabilities requesting long-term services and supports, establish tentative eligibility for long-term services and supports, support and provide expedited service authorization for older persons and persons and disabilities for services and supports for which there are no interest lists, and make final determinations of financial eligibility after a period of tentative eligibility for receipt of long-term services and supports. The bill sets out requirements for each pilot project site relating to comprehensive single points of entry to access long-term services and supports; design and operation of the site in accordance with best practices adopted by the executive commissioner; commission, Department of Aging and Disability Services, area agency on aging, and local services agency staff requirements; request processing, assessment, eligibility determination, and service authorization; coordination with local health care and long-term care facilities and staff members; priority for services; and information about community-based services available in the area served by the project. The bill requires at least one pilot project site to have only colocated long-term services and supports staff members who are located in the same physical office. The bill requires the HHSC to ensure

that at least one pilot project site is in operation not later than December 31, 2009.

C.S.H.B. 1398 authorizes an area in which the pilot project will be implemented to consist of a single county or a multicounty region by commission determination. The bill requires at least one of the areas to have a pilot project site located within an aging and disability resource center. The bill provides that a pilot project site may be located at a local Department of Aging and Disability Services office, an area agency on aging office, or another appropriate location if the commission finds that there is no aging and disability resource center that is willing or able to accommodate a pilot project site on the date the pilot project is to be implemented.

C.S.H.B. 1398 requires the commission, not later than January 31, 2011, to submit a report concerning the pilot project to the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over health and human services. The bill prescribes requirements for the report's preparation and information required to be included in the report relating to the project's operation, benefits for individuals who received services, costs and cost savings attributed to the project, recommendations for improving long-term services and supports statewide and expanding the project and perspectives of service providers operating in the area served by a pilot project site.

C.S.H.B. 1398 provides for the pilot project's expiration on September 1, 2013.

C.S.H.B. 1398 defines "long-term services and supports" to mean long-term assistance or care provided to older persons and persons with physical disabilities through the Medicaid program or other programs and includes assistance or care provided through the primary home care program, the community attendant services program, the community-based alternatives program, the day activity and health services program, the promoting independence program, a program funded through the federal Older Americans Act of 1965, a community care program funded through Title XX of the federal Social Security Act, the program of all-inclusive care for the elderly, if available in the pilot project's service area, the in-home and family support program, and a nursing facility program. The bill defines "aging and disability resource center," "colocated long-term services and supports staff members," "Department of Aging and Disability Services staff members," "long-term services and supports staff," "expedited service authorization," "pilot project site," and "tentative eligibility."

C.S.H.B. 1398 requires a state agency that is affected by a provision of the bill to request a federal waiver or authorization if the agency determines that a waiver or authorization is necessary for the implementation of the provision, and it authorizes the agency to delay implementation until the federal waiver or authorization is obtained.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1398 differs from the original by defining "colocated long-term services and supports staff members" to mean long-term services and supports staff members who are located in the same physical office or long-term services and supports staff members who are not located in the same physical office but who work collaboratively through the use of the telephone or other technologies. The substitute makes conforming changes that differ from the original to incorporate the definition of "colocated long-term services and supports staff members." The substitute differs from the original by omitting the definition of "physically colocated staff members." The substitute differs from the original by omitting a clarification that the term "pilot project site" does not include a location where staff members work together solely by means of virtual communication, such as e-mail or the Internet, or by phone.

C.S.H.B. 1398 differs from the original by requiring staff members to work to inform and educate older persons, persons with physical disabilities, and their family members and other caregivers about long-term services and supports for which they may qualify and makes a related conforming change to the requirements for each project site. The substitute differs from the original by replacing references in the original to the aged and physically disabled with references to older persons and persons with physical disabilities. The substitute differs from the original by requiring at least one pilot project site to have only colocated long-term services and supports staff members who are located in the same physical space.