

## **BILL ANALYSIS**

Senate Research Center

H.B. 3859  
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Health & Human Services  
5/20/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 3859 amends Subchapter M, Chapter 531, Government Code, as added by Chapter 1110 (H.B. 3575), Acts of the 80th Legislature, Regular Session, 2007, to require the Health and Human Services Commission (HHSC) to conduct a thorough analysis of staffing needs, including the need for additional state employees and contractor staff, with respect to the enhanced eligibility system and the expansion of the use of the Texas Integrated Eligibility Redesign System (TIERS).

H.B. 3859 requires HHSC, in determining the total number of HHSC and contractor full-time equivalent positions needed, to consider the number of such positions necessary to comply with state and federal requirements related to health and human services program access, including requirements related to timeliness and accuracy of application processing, delivery of expedited services and benefits, and seamless transfers of eligible children between Medicaid and the children's health insurance program and the HHSC's performance standards and benchmarks for health and human services programs, including maximum caseload specifications.

H.B. 3859 relates to a staffing analysis of TIERS and benefits eligibility determination processes and to a pilot project regarding long-term services and supports provided to aged and physically disabled individuals.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. (a) Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.0525, as follows:

Sec. 531.0525. PILOT PROJECT TO ESTABLISH COMPREHENSIVE SINGLE POINT OF ENTRY FOR LONG-TERM SERVICES AND SUPPORTS. (a) Defines "aging and disability resource center," "colocated long-term services and supports staff members," "Department of Aging and Disability Services staff members," "expedited service authorization," "long-term services and supports," "long-term services and supports staff," "pilot project site," and "tentative eligibility."

(b) Requires the Health and Human Services Commission (HHSC), subject to availability of funds, to develop and implement in not more than three geographic areas of this state a pilot project to establish a comprehensive single point of entry system for long-term services and supports 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. Requires that the pilot project require that, at a minimum, the staff members 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 physical

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 with physical disabilities requesting long-term services and supports for which there are no interest lists; and make final determinations of financial eligibility for long-term services and supports after a period of tentative eligibility for receipt of those services and supports.

(c) Requires HHSC, in developing and implementing the pilot project, to ensure that:

(1) at least one pilot project site has only colocated long-term services and supports staff members who are located in the same physical office;

(2) each pilot project site serves as a comprehensive single point of entry for older persons and persons with physical disabilities to obtain information about long-term services and supports for which they may qualify and access long-term services and supports in the site's service area;

(3) each pilot project site is designed and operated in accordance with best practices adopted by the executive commissioner of the Health and Human Services Commission (executive commissioner) after the HHSC reviews best practices for similar initiatives in other states and professional policy-based research describing best practices for successful initiatives;

(4) the colocated long-term services and supports staff members supporting each pilot project site include:

(A) one or more full-time HHSC staff members who determine eligibility for the Medicaid program and who have full access to the Texas Integrated Eligibility Redesign System (TIERS), have previously made Medicaid long-term care eligibility determinations, and are dedicated primarily to making eligibility determinations for incoming clients at the site;

(B) sufficient Department of Aging and Disability Services staff members to carry out the screening and expedited service authorization functions at the site;

(C) sufficient area agency on aging staff members to assist with the performance of screening functions and service coordination for services funded under the Older Americans Act of 1965 (42 U.S.C. Section 3001 et seq.), such as meals programs, and identify other locally funded and supported services that will enable older persons and persons with physical disabilities to continue to reside in the community to the extent reasonable; and

(D) any available staff members from local service agencies; and

(5) the colocated long-term services and supports staff members of a pilot project site:

(A) use a standardized screening tool that assesses both functional and financial program eligibility, and provides

sufficient information to make a tentative eligibility determination for receipt of services;

(B) process requests for long-term services and supports in person or by telephone or through the Internet;

(C) perform all screening and assessment, eligibility determination, and service authorization functions necessary to promptly initiate appropriate service delivery;

(D) closely coordinate with local hospital discharge planners and staff members of extended rehabilitation units of local hospitals and nursing homes;

(E) give first priority to persons who urgently need services; and

(F) inform persons about community-based services available in the area served by the pilot project.

(d) Authorizes an area in which the pilot project will be implemented to consist of a single county or a multicounty region, as determined by HHSC. Requires that at least one of the areas have a pilot project site located within an aging and disability resource center. Authorizes the pilot project site, if HHSC 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, to be located at a local Department of Aging and Disability Services office, an area agency on aging office, or another appropriate location.

(e) Requires HHSC, 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. Requires that the report be prepared by a person not associated with the pilot project or HHSC, contain; for each area of this state in which the pilot project is being implemented, an evaluation of the operation of the pilot project in that area; contain an evaluation of the pilot project's benefits for persons who received services; contain a calculation of the costs and cost savings that can be attributed to implementation of the pilot project; include a recommendation regarding adopting improved policies and procedures concerning long-term services and supports with statewide applicability, as determined from information obtained in operating the pilot project; include a recommendation regarding the feasibility of expanding the pilot project to other areas of this state or statewide; and contain the perspectives of service providers of programs listed in Subsection (a)(5) who are operating in the area served by a pilot project site.

(f) Provides that this section expires September 1, 2013.

(b) Requires HHSC, not later than December 31, 2009, to ensure that at least one pilot project site is in operation under the pilot project required by Section 531.0525, Government Code, as added by this section, subject to availability of funds for that purpose.

SECTION 2. Amends Subchapter M, Chapter 531, Government Code, as added by Chapter 1110 (H.B. 3575), Acts of the 80th Legislature, Regular Session, 2007, by adding Section 531.4551, as follows:

Sec. 531.4551. STAFFING ANALYSIS FOR ENHANCED ELIGIBILITY SYSTEM.

(a) Requires HHSC to conduct a thorough analysis of staffing needs, including the need

for additional state employees and contractor staff, with respect to the enhanced eligibility system and the expansion of the use of the TIERS. Requires HHSC to identify in the analysis the number of full-time equivalent positions HHSC needs to implement the system in a manner that, if met, will ensure that the system remains fully functional and that no lapses in the provision of health and human services program benefits will occur under the system, and the number of full-time equivalent positions any contractor would need to perform contracted functions to implement the system in that manner.

(b) Requires HHSC, in determining the total number of HHSC and contractor full-time equivalent positions needed as required by Subsection (a), to consider the number of full-time equivalent positions necessary to comply with state and federal requirements related to health and human services program access, including requirements related to timeliness and accuracy of application processing, delivery of expedited services and benefits, and seamless transfers of eligible children between the Medicaid and child health plan programs, and HHSC's performance standards and benchmarks for health and human services programs, including maximum caseload specifications.

SECTION 3. Requires that the agency affected by the provision, if before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, request the waiver or authorization and authorizes that agency to delay implementing that provision until the waiver or authorization is granted.

SECTION 4. Effective date: upon passage or September 1, 2009.