

BILL ANALYSIS

C.S.S.B. 705
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Medicaid's Section 1915(c) waiver programs allowed states to use Medicaid funds to pay for community-based care. The Department of Aging and Disability Services (DADS) administers seven Section 1915(c) waiver programs. The Consolidated Waiver program has operated as a pilot since 2002, but is no longer necessary with the expansion of the Medicaid managed care programs.

C.S.S.B. 705 requires DADS to coordinate with the Health and Human Services Commission to streamline the administration and delivery of the Medicaid 1915(c) waiver programs, eliminates the pilot program, and requires clients to be transferred into other existing programs without a break in service. The bill prohibits such clients from being placed on an interest list or waiting list in lieu of being enrolled in a program. The bill requires the Internet site containing information regarding the services and programs provided by each of the health and human service agencies to include information for consumers concerning long-term care services that is presented in a manner that is easily accessible and understandable to a consumer and that allows a consumer to make informed choices concerning these 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.S.B. 705 amends the Human Resources Code to require the Department of Aging and Disability Services (DADS), in consultation with the Health and Human Services Commission (HHSC), to streamline the administration and delivery of services through Section 1915(c) waiver programs. The bill authorizes DADS to consider as streamlining initiatives reducing the number of forms used in administering the programs, revising program provider manuals and training curricula, consolidating service authorization systems, eliminating any physician signature requirements DADS considers unnecessary, standardizing individual service plan processes across the programs, and any other initiatives that will increase efficiencies in the programs. The bill requires DADS to ensure that actions taken under these provisions do not conflict with any requirements of HHSC under provisions relating to long-term care Medicare programs.

C.S.S.B. 705 amends the Government Code to require the Internet site containing information regarding the services and programs provided by each of the health and human service agencies to include information for consumers concerning long-term care services and sets forth requirements for the presentation and content of the information for consumers. The bill requires HHSC to make this information available through the Internet not later than January 1, 2010. The bill requires HHSC, in developing the information required to be made available through the Internet, to incorporate long-term care provider quality information reported through the DADS Internet site, as well as other appropriate available information concerning the quality of services

provided through the long-term care service delivery programs operated by DADS. The bill requires HHSC and DADS, on request by a consumer without Internet access, to provide the consumer with a printed copy of the information from the website and authorizes HHSC or DADS to charge a reasonable fee for printing the information.

C.S.S.B. 705 repeals provisions regarding the pilot program relating to Section 1915(c) waiver programs, provides that the program is abolished September 15, 2009, and makes changes conforming to this repeal. The bill requires DADS, with the assistance of HHSC, to determine, before September 14, 2009, which other Section 1915(c) waiver programs each person receiving services through the consolidated waiver program is eligible for enrollment and, not later than September 14, 2009, to transfer the person's enrollment without any break in service from the consolidated waiver program to an appropriate program for which the person is eligible. The bill prohibits a person from being placed on an interest list or any other waiting list for a Section 1915(c) waiver program instead of being enrolled in a program.

C.S.S.B. 705 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.

C.S.S.B. 705 authorizes a state agency that determines that the implementation of a provision of the bill could result in a reduction or elimination of federal funding to delay implementing that provision, including continuing to operate the consolidated waiver program otherwise eliminated by the bill, until the agency is notified by the federal government that the implementation will not result in a reduction or elimination of federal funding.

C.S.S.B. 705 defines "Section 1915 (c) waiver program."

C.S.S.B. 705 repeals Section 531.0219, Government Code.

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.S.B. 705 adds provisions not in the original relating to the provision of long-term care services consumer information on the Internet site of each health and human service agency.

C.S.S.B. 705 adds a provision not in the original requiring the Health and Human Services Commission (HHSC) and the Department of Aging and Disability Services (DADS), on request by a consumer without Internet access, to provide the consumer with a printed copy of the information from the website and authorizing HHSC or DADS to charge a reasonable fee for printing the information. The substitute adds a provision not in the original authorizing a state agency that determines that the implementation of a provision of the bill could result in a reduction or elimination of federal funding to delay implementing that provision, including continuing to operate the consolidated waiver program otherwise eliminated by the bill, until the agency is notified by the federal government that the implementation will not result in a reduction or elimination of federal funding.