

By: Guillen, Naishtat, Hughes

H.B. No. 1398

Substitute the following for H.B. No. 1398:

By: Rose

C.S.H.B. No. 1398

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a pilot project to establish a comprehensive single
3 point of entry for long-term services and supports provided to
4 older persons and persons with physical disabilities.

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

6 SECTION 1. Subchapter B, Chapter 531, Government Code, is
7 amended by adding Section 531.0525 to read as follows:

8 Sec. 531.0525. PILOT PROJECT TO ESTABLISH COMPREHENSIVE
9 SINGLE POINT OF ENTRY FOR LONG-TERM SERVICES AND SUPPORTS. (a) In
10 this section:

11 (1) "Aging and disability resource center" means a
12 center established under the Aging and Disability Resource Center
13 grant program jointly sponsored by the federal Administration on
14 Aging and the Centers for Medicare and Medicaid Services.

15 (2) "Colocated long-term services and supports staff
16 members" means:

17 (A) long-term services and supports staff
18 members who are located in the same physical office; or

19 (B) long-term services and supports staff
20 members who are not located in the same physical office but who work
21 collaboratively through the use of the telephone or other
22 technologies.

23 (3) "Department of Aging and Disability Services staff
24 members" includes the department's access and intake staff members

1 and the department's community care for the aged and disabled staff
2 members.

3 (4) "Expedited service authorization" means
4 authorization of services within seven calendar days based on a
5 screening of applicants and tentative eligibility for receipt of
6 services and initiation of those services as soon as possible.

7 (5) "Long-term services and supports" means long-term
8 assistance or care provided to older persons and persons with
9 physical disabilities through the Medicaid program or other
10 programs. The term includes assistance or care provided through
11 the following programs:

12 (A) the primary home care program;
13 (B) the community attendant services program;
14 (C) the community-based alternatives program;
15 (D) the day activity and health services program;
16 (E) the promoting independence program;
17 (F) a program funded through the Older Americans
18 Act of 1965 (42 U.S.C. Section 3001 et seq.);

19 (G) a community care program funded through Title
20 XX of the federal Social Security Act (42 U.S.C. Section 301 et
21 seq.);

22 (H) the program of all-inclusive care for the
23 elderly (PACE), if the program is available in the area served by
24 the pilot project;

25 (I) the in-home and family support program; and
26 (J) a nursing facility program.

27 (6) "Long-term services and supports staff" means:

1 (A) one or more of the commission's Medicaid
2 eligibility determination staff members;

3 (B) one or more Department of Aging and
4 Disability Services staff members; and

5 (C) one or more local area agency on aging staff
6 members.

7 (7) "Pilot project site" means a location in an area
8 served by the pilot project established under this section where
9 colocated long-term services and supports staff members work
10 collaboratively to provide information and authorize and initiate
11 long-term services and supports.

12 (8) "Tentative eligibility," with respect to receipt
13 of services, means a process by which eligibility for services is
14 provisionally determined based on a standard screening tool that
15 assesses both functional and financial program eligibility for
16 receipt of services.

17 (b) The commission shall develop and implement in not more
18 than three geographic areas of this state a pilot project to
19 establish a comprehensive single point of entry system for
20 long-term services and supports in which colocated long-term
21 services and supports staff members work in collaboration to
22 provide all necessary services in connection with long-term
23 services and supports from the intake process to the start of
24 service delivery. The pilot project must require that, at a
25 minimum, the staff members work collaboratively to:

26 (1) inform and educate older persons, persons with
27 physical disabilities, and their family members and other

1 caregivers about long-term services and supports for which they may
2 qualify;

3 (2) screen older persons and persons with physical
4 disabilities requesting long-term services and supports;

5 (3) establish tentative eligibility for long-term
6 services and supports;

7 (4) support and provide expedited service
8 authorization for older persons and persons with physical
9 disabilities requesting long-term services and supports for which
10 there are no interest lists; and

11 (5) make final determinations of financial
12 eligibility for long-term services and supports after a period of
13 tentative eligibility for receipt of those services and supports.

14 (c) In developing and implementing the pilot project, the
15 commission shall ensure that:

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

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

24 (3) each pilot project site is designed and operated
25 in accordance with best practices adopted by the executive
26 commissioner after the commission reviews best practices for
27 similar initiatives in other states and professional policy-based

1 research describing best practices for successful initiatives;

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

4 (A) one or more full-time commission staff
5 members who determine eligibility for the Medicaid program and who:

6 (i) have full access to the Texas
7 Integrated Eligibility Redesign System (TIERS) or the System of
8 Application, Verification, Eligibility, Referral, and Reporting
9 (SAVERR);

10 (ii) have previously made Medicaid
11 long-term care eligibility determinations; and

12 (iii) are dedicated primarily to making
13 eligibility determinations for incoming clients at the site;

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

17 (C) sufficient area agency on aging staff members
18 to:

19 (i) assist with the performance of
20 screening functions and service coordination for services funded
21 under the Older Americans Act of 1965 (42 U.S.C. Section 3001 et
22 seq.), such as meals programs; and

23 (ii) identify other locally funded and
24 supported services that will enable older persons and persons with
25 physical disabilities to continue to reside in the community to the
26 extent reasonable; and

27 (D) any available staff members from local

1 service agencies; and

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

4 (A) use a standardized screening tool that:

5 (i) assesses both functional and financial
6 program eligibility; and

7 (ii) provides sufficient information to
8 make a tentative eligibility determination for receipt of services;

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

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

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

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

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

21 (d) An area in which the pilot project will be implemented
22 may consist of a single county or a multicounty region, as
23 determined by the commission. At least one of the areas must have a
24 pilot project site located within an aging and disability resource
25 center. If the commission finds that there is no aging and
26 disability resource center that is willing or able to accommodate a
27 pilot project site on the date the pilot project is to be

1 implemented, the pilot project site may be located at a local
2 Department of Aging and Disability Services office, an area agency
3 on aging office, or another appropriate location.

4 (e) Not later than January 31, 2011, the commission shall
5 submit a report concerning the pilot project to the presiding
6 officers of the standing committees of the senate and house of
7 representatives having primary jurisdiction over health and human
8 services. The report must:

9 (1) be prepared by a person not associated with the
10 pilot project or the commission;

11 (2) contain, for each area of this state in which the
12 pilot project is being implemented, an evaluation of the operation
13 of the pilot project in that area;

14 (3) contain an evaluation of the pilot project's
15 benefits for persons who received services;

16 (4) contain a calculation of the costs and cost
17 savings that can be attributed to implementation of the pilot
18 project;

19 (5) include a recommendation regarding adopting
20 improved policies and procedures concerning long-term services and
21 supports with statewide applicability, as determined from
22 information obtained in operating the pilot project;

23 (6) include a recommendation regarding the
24 feasibility of expanding the pilot project to other areas of this
25 state or statewide; and

26 (7) contain the perspectives of service providers of
27 programs listed in Subsection (a)(5) who are operating in the area

1 served by a pilot project site.

2 (f) This section expires September 1, 2013.

3 SECTION 2. Not later than December 31, 2009, the Health and
4 Human Services Commission shall ensure that at least one pilot
5 project site is in operation under the pilot project required by
6 Section 531.0525, Government Code, as added by this Act.

7 SECTION 3. If before implementing any provision of this Act
8 a state agency determines that a waiver or authorization from a
9 federal agency is necessary for implementation of that provision,
10 the agency affected by the provision shall request the waiver or
11 authorization and may delay implementing that provision until the
12 waiver or authorization is granted.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2009.