

By: Guillen

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 the
4 aged and physically disabled individuals.

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) "Department of Aging and Disability Services staff
16 members" includes the department's access and intake staff members
17 and the department's community care for the aged and disabled staff
18 members.

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

23 (4) "Long-term services and supports" means long-term
24 assistance or care provided to the aged or physically disabled

1 individuals through the Medicaid program or other programs. The
2 term includes assistance or care provided through the following
3 programs:

4 (A) the primary home care program;

5 (B) the community attendant services program;

6 (C) the community-based alternatives program;

7 (D) the day activity and health services program;

8 (E) the promoting independence program;

9 (F) a program funded through the Older Americans
10 Act of 1965 (42 U.S.C. Section 3001 et seq.);

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

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

17 (I) the in-home and family support program; and

18 (J) a nursing facility program.

19 (5) "Long-term services and supports staff" means:

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

22 (B) one or more Department of Aging and
23 Disability Services staff members; and

24 (C) one or more local area agency on aging staff
25 members.

26 (6) "Physically colocated staff members" means
27 long-term services and supports staff members who are located in

1 the same physical office.

2 (7) "Pilot project site" means a location in an area
3 served by the pilot project established under this section where
4 physically colocated staff members work collaboratively to
5 authorize and initiate long-term services and supports. The term
6 does not include a location where staff members work together
7 solely by means of virtual communication, such as e-mail or the
8 Internet, or by telephone.

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

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

24 (1) screen the aged and physically disabled
25 individuals requesting long-term services and supports;

26 (2) establish tentative eligibility for long-term
27 services and supports;

1 (3) support and provide expedited service
2 authorization for the aged and physically disabled individuals
3 requesting long-term services and supports for which there are no
4 waiting lists; and

5 (4) make final determinations of financial
6 eligibility for long-term services and supports after a period of
7 tentative eligibility for receipt of those services and supports.

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

10 (1) each pilot project site serves as a comprehensive
11 single point of entry for the aged and physically disabled
12 individuals to access long-term services and supports in the site's
13 service area;

14 (2) each pilot project site is designed and operated
15 in accordance with best practices adopted by the executive
16 commissioner after the commission reviews best practices for
17 similar initiatives in other states and professional policy-based
18 research describing best practices for successful initiatives;

19 (3) the physically colocated staff members at each
20 pilot project site include:

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

23 (i) have full access to the Texas
24 Integrated Eligibility Redesign System (TIERS) or the System of
25 Application, Verification, Eligibility, Referral, and Reporting
26 (SAVERR);

27 (ii) have previously made Medicaid

1 long-term care eligibility determinations; and

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

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

7 (C) sufficient area agency on aging staff members
8 to:

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

13 (ii) identify other locally funded and
14 supported services that will enable the aged or physically disabled
15 individuals to continue to reside in the community to the extent
16 reasonable; and

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

19 (4) the physically colocated staff members of a pilot
20 project site:

21 (A) use a standardized screening tool that:

22 (i) assesses both functional and financial
23 program eligibility; and

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

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

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

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

7 (E) give first priority to individuals who
8 urgently need services; and

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

11 (d) An area in which the pilot project will be implemented
12 may consist of a single county or a multicounty region, as
13 determined by the commission. At least one of the areas must have a
14 pilot project site located within an aging and disability resource
15 center. If the commission finds that there is no aging and
16 disability resource center that is willing or able to accomodate a
17 pilot project site on the date the pilot project is to be
18 implemented, the pilot project site may be located at a local
19 Department of Aging and Disability Services office, an area agency
20 on aging office, or another appropriate location.

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

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

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

4 (3) contain an evaluation of the pilot project's
5 benefits for individuals who received services;

6 (4) contain a calculation of the costs and cost
7 savings that can be attributed to implementation of the pilot
8 project;

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

13 (6) include a recommendation regarding the
14 feasibility of expanding the pilot project to other areas of this
15 state or statewide; and

16 (7) contain the perspectives of service providers of
17 programs listed in Subsection (a)(4) who are operating in the area
18 served by a pilot project site.

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

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

24 SECTION 3. If before implementing any provision of this Act
25 a state agency determines that a waiver or authorization from a
26 federal agency is necessary for implementation of that provision,
27 the agency affected by the provision shall request the waiver or

1 authorization and may delay implementing that provision until the
2 waiver or authorization is granted.

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