

By: Rose

H.B. No. 4158

A BILL TO BE ENTITLED

AN ACT

relating to reimbursement rates for nursing home services provided to Medicaid recipients.

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

SECTION 1. Section 531.021(e), Government Code, is amended to read as follows:

(e) Notwithstanding any other provision of Chapter 32, Human Resources Code, Chapter 533, or this chapter, the commission may:

(1) adjust the fees, charges, and rates paid to Medicaid providers as necessary to achieve the objectives of the Medicaid program in a manner consistent with the considerations described by Subsection (d); and

(2) adjust the fees, charges, and rates paid for nursing home services based on the commission's findings related to factors analyzed under Section 32.028(q), Human Resources Code.

SECTION 2. Section 32.028, Human Resources Code, is amended by amending Subsection (n) and adding Subsection (q) to read as follows:

(n) The executive commissioner of the Health and Human Services Commission [~~commission~~] shall ensure that rules governing the determination of rates paid for nursing home services provide for the reporting of all revenue received and costs incurred, without regard to whether a cost is an allowable cost for

reimbursement under the medical assistance program, except:

(1) as provided by Subsection (h); and

(2) a penalty imposed under this chapter or Chapter 242, Health and Safety Code.

(g) The Health and Human Services Commission shall periodically conduct an analysis of the base rates paid for nursing home services provided under the medical assistance program to enable the executive commissioner of the commission to appropriately set future rates. In conducting the analysis, the commission may consider any factors the commission considers relevant, including:

(1) the costs incurred by nursing homes to provide services to recipients of medical assistance;

(2) the inflation rate;

(3) rates paid in other states for comparable services; and

(4) incentives offered under Subsection (g) to improve quality of care.

SECTION 3. 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, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 4. This Act takes effect September 1, 2009.