

AN ACT

relating to long-term care consumer information and Medicaid waiver programs.

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

SECTION 1. Subchapter D, Chapter 161, Human Resources Code, is amended by adding Section 161.077 to read as follows:

Sec. 161.077. LONG-TERM CARE MEDICAID WAIVER PROGRAMS.

(a) In this section, "Section 1915(c) waiver program" has the meaning assigned by Section 531.001, Government Code.

(b) The department, in consultation with the commission, shall streamline the administration of and delivery of services through Section 1915(c) waiver programs. In implementing this subsection, the department, subject to Subsection (c), may consider implementing the following streamlining initiatives:

(1) reducing the number of forms used in administering the programs;

(2) revising program provider manuals and training curricula;

(3) consolidating service authorization systems;

(4) eliminating any physician signature requirements the department considers unnecessary;

(5) standardizing individual service plan processes across the programs; and

(6) any other initiatives that will increase

1 efficiencies in the programs.

2 (c) The department shall ensure that actions taken under
3 this section do not conflict with any requirements of the
4 commission under Section 531.0218, Government Code.

5 SECTION 2. Effective September 15, 2009, Section 531.02191,
6 Government Code, is amended to read as follows:

7 Sec. 531.02191. PUBLIC INPUT. In complying with the
8 requirements of Section [~~Sections~~] 531.0218 [~~and 531.0219~~], the
9 commission shall regularly consult with and obtain input from:

- 10 (1) consumers and family members;
- 11 (2) providers;
- 12 (3) advocacy groups;
- 13 (4) state agencies that administer a Section 1915(c)
14 waiver program; and
- 15 (5) other interested persons.

16 SECTION 3. Subchapter B, Chapter 531, Government Code, is
17 amended by adding Section 531.0318 to read as follows:

18 Sec. 531.0318. LONG-TERM CARE CONSUMER INFORMATION MADE
19 AVAILABLE THROUGH THE INTERNET. (a) The Internet site maintained
20 under Section 531.0317 must include information for consumers
21 concerning long-term care services that complies with this section.
22 The Internet site maintained by the Department of Aging and
23 Disability Services must also include, or provide a link to, the
24 information required by this section.

25 (b) The information for consumers required by this section
26 must:

- 27 (1) be presented in a manner that is easily accessible

1 to, and understandable by, a consumer; and

2 (2) allow a consumer to make informed choices
3 concerning long-term care services and include:

4 (A) an explanation of the manner in which
5 long-term care service delivery is administered in different
6 counties through different programs operated by the commission and
7 by the Department of Aging and Disability Services, so that an
8 individual can easily understand the service options available in
9 the area in which that individual lives; and

10 (B) for the Medicaid Star + Plus pilot program,
11 information that allows a consumer to evaluate the performance of
12 each participating plan issuer, including for each issuer, in an
13 accessible format such as a table:

14 (i) the enrollment in each county;

15 (ii) additional "value-added" services
16 provided;

17 (iii) a summary of the financial
18 statistical report required under Subchapter A, Chapter 533;

19 (iv) complaint information;

20 (v) any sanction or penalty imposed by any
21 state agency, including a sanction or penalty imposed by the
22 commission or the Texas Department of Insurance;

23 (vi) information concerning consumer
24 satisfaction; and

25 (vii) other data, including relevant data
26 from reports of external quality review organizations, that may be
27 used by the consumer to evaluate the quality of the services

1 provided.

2 (c) In addition to providing the information required by
3 this section through the Internet, the commission or the Department
4 of Aging and Disability Services shall, on request by a consumer
5 without Internet access, provide the consumer with a printed copy
6 of the information from the website. The commission or department
7 may charge a reasonable fee for printing the information.

8 SECTION 4. (a) Effective September 15, 2009, Section
9 531.0219, Government Code, is repealed.

10 (b) Subject to Section 7 of this Act:

11 (1) effective September 15, 2009, the consolidated
12 waiver program under Section 531.0219, Government Code, is
13 abolished; and

14 (2) the Department of Aging and Disability Services,
15 with the assistance of the Health and Human Services Commission,
16 shall:

17 (A) before September 14, 2009, determine in which
18 other Section 1915(c) waiver programs, as defined by Section
19 531.001, Government Code, each person receiving services through
20 the consolidated waiver program is eligible for enrollment; and

21 (B) not later than September 14, 2009, transfer
22 the person's enrollment without any break in service from the
23 consolidated waiver program to an appropriate program described by
24 Paragraph (A) of this subdivision for which the person is eligible.

25 (c) A person described by Subsection (b) of this section may
26 not be placed on an interest list or any other waiting list for a
27 Section 1915(c) waiver program instead of being enrolled in a

1 program as required by Paragraph (B), Subdivision (2), Subsection
2 (b), of this section.

3 SECTION 5. (a) Not later than January 1, 2010, the Health
4 and Human Services Commission shall make the information required
5 by Section 531.0318, Government Code, as added by this Act,
6 available through the Internet.

7 (b) In developing the information required to be made
8 available under this Act, the Health and Human Services Commission
9 shall incorporate long-term care provider quality information
10 reported through the Department of Aging and Disability Services
11 Internet site, as well as other appropriate available information
12 concerning the quality of services provided through the long-term
13 care service delivery programs operated by that department.

14 SECTION 6. If before implementing any provision of this Act
15 a state agency determines that a waiver or authorization from a
16 federal agency is necessary for implementation of that provision,
17 the agency affected by the provision shall request the waiver or
18 authorization and may delay implementing that provision until the
19 waiver or authorization is granted.

20 SECTION 7. If before implementing any provision of this Act
21 a state agency determines that the implementation of the provision
22 could result in a reduction or elimination of federal funding, the
23 agency affected by the provision may delay implementing that
24 provision, including by continuing to operate the consolidated
25 waiver program otherwise eliminated by this Act, until the agency
26 is notified by the federal government that the implementation will
27 not result in a reduction or elimination of federal funding.

1 SECTION 8. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 705 passed the Senate on April 2, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 29, 2009, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 705 passed the House, with amendment, on May 27, 2009, by the following vote: Yeas 148, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor