

1-1 By: Nelson S.B. No. 705
1-2 (In the Senate - Filed February 6, 2009; February 25, 2009,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 23, 2009, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; March 23, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the Medicaid consolidated waiver program and other
1-9 Medicaid long-term care waiver programs.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter D, Chapter 161, Human Resources Code,
1-12 is amended by adding Section 161.077 to read as follows:

1-13 Sec. 161.077. LONG-TERM CARE MEDICAID WAIVER PROGRAMS.

1-14 (a) In this section, "Section 1915(c) waiver program" has the
1-15 meaning assigned by Section 531.001, Government Code.

1-16 (b) The department, in consultation with the commission,
1-17 shall streamline the administration of and delivery of services
1-18 through Section 1915(c) waiver programs. In implementing this
1-19 subsection, the department, subject to Subsection (c), may consider
1-20 implementing the following streamlining initiatives:

1-21 (1) reducing the number of forms used in administering
1-22 the programs;

1-23 (2) revising program provider manuals and training
1-24 curricula;

1-25 (3) consolidating service authorization systems;

1-26 (4) eliminating any physician signature requirements
1-27 the department considers unnecessary;

1-28 (5) standardizing individual service plan processes
1-29 across the programs; and

1-30 (6) any other initiatives that will increase
1-31 efficiencies in the programs.

1-32 (c) The department shall ensure that actions taken under
1-33 this section do not conflict with any requirements of the
1-34 commission under Section 531.0218, Government Code.

1-35 SECTION 2. Effective September 15, 2009, Section 531.02191,
1-36 Government Code, is amended to read as follows:

1-37 Sec. 531.02191. PUBLIC INPUT. In complying with the
1-38 requirements of Section [Sections] 531.0218 [and 531.0219], the
1-39 commission shall regularly consult with and obtain input from:

1-40 (1) consumers and family members;

1-41 (2) providers;

1-42 (3) advocacy groups;

1-43 (4) state agencies that administer a Section 1915(c)
1-44 waiver program; and

1-45 (5) other interested persons.

1-46 SECTION 3. (a) Effective September 15, 2009, Section
1-47 531.0219, Government Code, is repealed.

1-48 (b) Effective September 15, 2009, the consolidated waiver
1-49 program under Section 531.0219, Government Code, is abolished. The
1-50 Department of Aging and Disability Services, with the assistance of
1-51 the Health and Human Services Commission, shall:

1-52 (1) before September 14, 2009, determine in which
1-53 other Section 1915(c) waiver programs, as defined by Section
1-54 531.001, Government Code, each person receiving services through
1-55 the consolidated waiver program is eligible for enrollment; and

1-56 (2) not later than September 14, 2009, transfer the
1-57 person's enrollment without any break in service from the
1-58 consolidated waiver program to an appropriate program described by
1-59 Subdivision (1) of this subsection for which the person is
1-60 eligible.

1-61 (c) A person described by Subsection (b) of this section may
1-62 not be placed on an interest list or any other waiting list for a
1-63 Section 1915(c) waiver program instead of being enrolled in a
1-64 program as required by Subdivision (2), Subsection (b) of this

2-1 section.

2-2 SECTION 4. If before implementing any provision of this Act
2-3 a state agency determines that a waiver or authorization from a
2-4 federal agency is necessary for implementation of that provision,
2-5 the agency affected by the provision shall request the waiver or
2-6 authorization and may delay implementing that provision until the
2-7 waiver or authorization is granted.

2-8 SECTION 5. This Act takes effect immediately if it receives
2-9 a vote of two-thirds of all the members elected to each house, as
2-10 provided by Section 39, Article III, Texas Constitution. If this
2-11 Act does not receive the vote necessary for immediate effect, this
2-12 Act takes effect September 1, 2009.

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