

By: Nichols

S.B. No. 2116

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a pilot program to provide community-based alternatives
3 under the Medicaid program for certain individuals diagnosed with
4 Alzheimer's disease.

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

6 SECTION 1. Subchapter D, Chapter 161, Human Resources Code,
7 is amended by adding Section 161.083 to read as follows:

8 Sec. 161.083. ALZHEIMER'S ASSISTED LIVING FACILITY OR
9 RESIDENTIAL CARE PILOT PROGRAM. (a) In this section, "pilot
10 program" means the Alzheimer's Assisted Living Facility or
11 Residential Care pilot program established under this section.

12 (b) The department shall establish a pilot program to
13 provide community-based alternatives and assisted living and
14 residential care and support services under the Medicaid program to
15 individuals who are diagnosed with Alzheimer's disease.

16 (c) An individual may be eligible for the pilot program if
17 the individual:

18 (1) has been diagnosed with Alzheimer's disease;

19 (2) meets financial eligibility requirements
20 specified by the executive commissioner;

21 (3) does not meet the medical necessity requirements
22 under the Medicaid program for entry into a nursing facility; and

23 (4) has a plan of care the costs of which do not exceed
24 the average daily nursing facility payment under the Medicaid

1 program.

2 (d) The executive commissioner shall adopt rules necessary
3 to implement this section.

4 (e) Rules adopted under Subsection (d) must permit a
5 residential facility at which pilot program services are offered to
6 operate under the direction of a physician acting on a volunteer
7 basis, provided that a registered nurse is available at the
8 facility at all times.

9 (f) Not later than December 1, 2014, the department shall
10 submit a report to the legislature regarding the effectiveness of
11 the pilot program, including a cost-benefit analysis that compares
12 the costs of treating an individual through the pilot program to the
13 costs incurred by the state of treating an individual in a nursing
14 facility.

15 (g) This section expires September 1, 2015.

16 SECTION 2. If before implementing any provision of this Act
17 a state agency determines that a waiver or authorization from a
18 federal agency is necessary for implementation of that provision,
19 the agency affected by the provision shall request the waiver or
20 authorization and may delay implementing that provision until the
21 waiver or authorization is granted.

22 SECTION 3. This Act takes effect September 1, 2009.