

House Bill 3859
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

SECTION 1. (a) Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0525 to read as follows:

Sec. 531.0525. PILOT PROJECT TO ESTABLISH COMPREHENSIVE SINGLE POINT OF ENTRY FOR LONG-TERM SERVICES AND SUPPORTS. (a) In this section:

(1) "Aging and disability resource center" means a center established under the Aging and Disability Resource Center grant program jointly sponsored by the federal Administration on Aging and the Centers for Medicare and Medicaid Services.

(2) "Colocated long-term services and supports staff members" means:

(A) long-term services and supports staff members who are located in the same physical office; or

(B) long-term services and supports staff members who are not located in the same physical office but who work collaboratively through the use of the telephone or other technologies.

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

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

No equivalent provision.

House Bill 3859
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(5) "Long-term services and supports" means long-term assistance or care provided to older persons and persons with physical disabilities through the Medicaid program or other programs. The term includes assistance or care provided through the following programs:

(A) the primary home care program;

(B) the community attendant services program;

(C) the community-based alternatives program;

(D) the day activity and health services program;

(E) the promoting independence program;

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

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

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

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

(J) a nursing facility program.

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

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

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

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

(7) "Pilot project site" means a location in an area served by the pilot project established under this section where

House Bill 3859
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

colocated long-term services and supports staff members work collaboratively to provide information and authorize and initiate long-term services and supports.

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

(b) Subject to availability of funds, the commission shall develop and implement in not more than three geographic areas of this state a pilot project to establish a comprehensive single point of entry system for long-term services and supports in which colocated long-term services and supports staff members work in collaboration to provide all necessary services in connection with long-term services and supports from the intake process to the start of service delivery. The pilot project must require that, at a minimum, the staff members work collaboratively to:

(1) inform and educate older persons, persons with physical disabilities, and their family members and other caregivers about long-term services and supports for which they may qualify;

(2) screen older persons and persons with physical disabilities requesting long-term services and supports;

(3) establish tentative eligibility for long-term services and supports;

(4) support and provide expedited service authorization for older persons and persons with physical disabilities

House Bill 3859
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

requesting long-term services and supports for which there are no interest lists; and

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

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

(1) at least one pilot project site has only colocated long-term services and supports staff members who are located in the same physical office;

(2) each pilot project site serves as a comprehensive single point of entry for older persons and persons with physical disabilities to obtain information about long-term services and supports for which they may qualify and access long-term services and supports in the site's service area;

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

(4) the colocated long-term services and supports staff members supporting each pilot project site include:

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

(i) have full access to the Texas Integrated Eligibility

House Bill 3859
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Redesign System (TIERS):

- (ii) have previously made Medicaid long-term care eligibility determinations; and
- (iii) are dedicated primarily to making eligibility determinations for incoming clients at the site;
- (B) sufficient Department of Aging and Disability Services staff members to carry out the screening and expedited service authorization functions at the site;
- (C) sufficient area agency on aging staff members to:
 - (i) assist with the performance of screening functions and service coordination for services funded under the Older Americans Act of 1965 (42 U.S.C. Section 3001 et seq.), such as meals programs; and
 - (ii) identify other locally funded and supported services that will enable older persons and persons with physical disabilities to continue to reside in the community to the extent reasonable; and
- (D) any available staff members from local service agencies; and
- (5) the colocated long-term services and supports staff members of a pilot project site:
 - (A) use a standardized screening tool that:
 - (i) assesses both functional and financial program eligibility; and
 - (ii) provides sufficient information to make a tentative eligibility determination for receipt of services;
 - (B) process requests for long-term services and supports in person or by telephone or through the Internet;
 - (C) perform all screening and assessment, eligibility

House Bill 3859
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

determination, and service authorization functions necessary to promptly initiate appropriate service delivery;

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

(E) give first priority to persons who urgently need services; and

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

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

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

(1) be prepared by a person not associated with the pilot

House Bill 3859
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

project or the commission;

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

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

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

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

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

(7) contain the perspectives of service providers of programs listed in Subsection (a)(5) who are operating in the area served by a pilot project site.

(f) This section expires September 1, 2013.

(b) Not later than December 31, 2009, the Health and Human Services Commission shall ensure that at least one pilot project site is in operation under the pilot project required by Section 531.0525, Government Code, as added by this section, subject to availability of funds for that purpose.

House Bill 3859
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 2. Subchapter M, Chapter 531, Government Code, as added by Chapter 1110 (H.B. 3575), Acts of the 80th Legislature, Regular Session, 2007, is amended by adding Section 531.4551 to read as follows:

Sec. 531.4551. STAFFING ANALYSIS FOR ENHANCED ELIGIBILITY SYSTEM. (a) The commission shall conduct a thorough analysis of staffing needs, including the need for additional state employees and contractor staff, with respect to the enhanced eligibility system and the expansion of the use of the Texas Integrated Eligibility Redesign System (TIERS). The commission shall identify in the analysis:

(1) the number of full-time equivalent positions the commission needs to implement the system in a manner that, if met, will ensure that the system remains fully functional and that no lapses in the provision of health and human services program benefits will occur under the system; and

(2) the number of full-time equivalent positions any contractor would need to perform contracted functions to implement the system in that manner.

(b) In determining the total number of commission and contractor full-time equivalent positions needed as required by Subsection (a), the commission shall consider the number of full-time equivalent positions necessary to comply with:

(1) state and federal requirements related to health and human services program access, including requirements related to timeliness and accuracy of application

SENATE VERSION

SECTION 1. Same as House version.

CONFERENCE

House Bill 3859
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

processing, delivery of expedited services and benefits, and seamless transfers of eligible children between the Medicaid and child health plan programs; and
(2) the commission's performance standards and benchmarks for health and human services programs, including maximum caseload specifications.

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

SENATE VERSION

SECTION 2. Same as House version.

SECTION 3. Same as House version.

CONFERENCE