

By: Guillen

H.B. No. 37

A BILL TO BE ENTITLED

AN ACT

relating to a pilot project to establish a comprehensive access point for long-term services and supports provided to older persons and persons with physical disabilities.

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

SECTION 1. 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 ACCESS POINT 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 initiative funded in part 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 community services staff members of the

1 Department of Aging and Disability Services.

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

7 (A) the primary home care program;

8 (B) the community attendant services program;

9 (C) the community-based alternatives program;

10 (D) the day activity and health services program;

11 (E) the promoting independence program;

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

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

17 (H) the in-home and family support program; and

18 (I) a nursing facility program.

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

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

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

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

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

1 colocated long-term services and supports staff members work
2 collaboratively to provide information and tentatively assess
3 functional and financial eligibility to initiate long-term
4 services and supports.

5 (7) "Tentative assessment of functional and financial
6 eligibility" means an expedited preliminary screening of an
7 applicant to determine Medicaid eligibility with the goal of
8 initiating services within seven business days. The tentative
9 assessment does not guarantee state payment for services.

10 (b) Subject to availability of funds appropriated by the
11 legislature for this purpose, the commission shall develop and
12 implement a pilot project to establish a comprehensive access point
13 system for long-term services and supports in which colocated
14 long-term services and supports staff members work in collaboration
15 to provide all necessary services in connection with long-term
16 services and supports from the intake process to the start of
17 service delivery. The pilot project must require that, at a
18 minimum, the staff members work collaboratively to:

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

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

25 (3) provide a tentative assessment of functional and
26 financial eligibility for older persons and persons with physical
27 disabilities requesting long-term services and supports for which

1 there are no interest lists; and

2 (4) make final determinations of eligibility for
3 long-term services and supports.

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

6 (1) the pilot project site has colocated long-term
7 services and supports staff members who are located in the same
8 physical office;

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

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

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

21 (A) one full-time commission staff member who
22 determines eligibility for the Medicaid program and who:

23 (i) has full access to the Texas Integrated
24 Eligibility Redesign System (TIERS);

25 (ii) has previously made Medicaid long-term
26 care eligibility determinations; and

27 (iii) is dedicated primarily to making

1 eligibility determinations for incoming clients at the site;

2 (B) sufficient Department of Aging and
3 Disability Services staff members to carry out the tentative
4 functional and financial eligibility and screening functions at the
5 site;

6 (C) sufficient area agency on aging staff members
7 to:

8 (i) assist with the performance of
9 screening functions and service coordination for services funded
10 under the Older Americans Act of 1965 (42 U.S.C. Section 3001 et
11 seq.), such as meals programs; and

12 (ii) identify other locally funded and
13 supported services that will enable older persons and persons with
14 physical disabilities to continue to reside in the community to the
15 extent reasonable; and

16 (D) any available staff members from local
17 service agencies; and

18 (5) the colocated long-term services and supports
19 staff members of the pilot project site:

20 (A) process intakes for long-term services and
21 supports in person or by telephone or through the Internet;

22 (B) use a standardized screening tool to
23 tentatively assess both functional and financial eligibility with
24 the goal of initiating services within seven business days;

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

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

3 (d) The pilot project must be implemented in a single county
4 or a multicounty area, as determined by the commission. The pilot
5 project site must be located within an aging and disability
6 resource center service area. If the commission finds that there is
7 no aging and disability resource center that is willing or able to
8 accommodate a pilot project site on the date the pilot project is to
9 be implemented, the pilot project site may be located at another
10 appropriate location.

11 (e) Not later than January 31, 2013, the commission shall
12 submit a report concerning the pilot project to the presiding
13 officers of the standing committees of the senate and house of
14 representatives having primary jurisdiction over health and human
15 services. The report must:

16 (1) contain an evaluation of the operation of the
17 pilot project;

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

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

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

27 (5) include a recommendation regarding the

1 feasibility of expanding the pilot project to other areas of this
2 state or statewide; and

3 (6) contain the perspectives of service providers
4 participating in the pilot project.

5 (f) This section expires September 1, 2015.

6 SECTION 2. Not later than December 31, 2011, the Health and
7 Human Services Commission shall ensure that the pilot project site
8 is in operation under the pilot project required by Section
9 531.0525, Government Code, as added by this Act.

10 SECTION 3. If before implementing any provision of this Act
11 a state agency determines that a waiver or authorization from a
12 federal agency is necessary for implementation of that provision,
13 the agency affected by the provision shall request the waiver or
14 authorization and may delay implementing that provision until the
15 waiver or authorization is granted.

16 SECTION 4. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect on the 91st day after the last day of the
21 legislative session.