

1-1 By: Zerwas, et al. (Senate Sponsor - Deuell) H.B. No. 2903
1-2 (In the Senate - Received from the House May 6, 2011;
1-3 May 9, 2011, read first time and referred to Committee on Health
1-4 and Human Services; May 18, 2011, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; May 18, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2903 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the program of all-inclusive care for the elderly.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 32.053, Human Resources Code, is amended
1-13 by amending Subsections (a), (b), and (e) and adding Subsections
1-14 (f), (g), and (h) to read as follows:

1-15 (a) The department, as an integral ~~[a]~~ part of the medical
1-16 assistance program, shall develop and implement a program of
1-17 all-inclusive care for the elderly (PACE) in accordance with
1-18 Section 4802 of the Balanced Budget Act of 1997 (Pub. L. No.
1-19 105-33), as amended. The department shall provide medical
1-20 assistance to a participant in the PACE program in the manner and to
1-21 the extent authorized by federal law.

1-22 (b) The executive commissioner of the Health and Human
1-23 Services Commission ~~[department]~~ shall adopt rules as necessary to
1-24 implement this section. In adopting rules, the executive
1-25 commissioner ~~[department]~~ shall:

1-26 (1) use the Bienvivir Senior Health Services of El
1-27 Paso initiative as a model for the program; ~~[and]~~

1-28 (2) ensure that a person is not required to hold a
1-29 certificate of authority as a health maintenance organization under
1-30 Chapter 843, Insurance Code, ~~[the Texas Health Maintenance~~
1-31 ~~Organization Act (Chapter 20A, Vernon's Texas Insurance Code)]~~ to
1-32 provide services under the PACE program;

1-33 (3) ensure that participation in the PACE program is
1-34 available as an alternative to enrollment in a Medicaid managed
1-35 care plan under Chapter 533, Government Code, for eligible
1-36 recipients, including recipients eligible for assistance under
1-37 both the medical assistance and Medicare programs;

1-38 (4) ensure that managed care organizations that
1-39 contract under Chapter 533, Government Code, consider the
1-40 availability of the PACE program when considering whether to refer
1-41 a recipient to a nursing home or other long-term care facility; and

1-42 (5) establish protocols for the referral of eligible
1-43 persons to the PACE program.

1-44 (e) ~~The [department, with the cooperation of the Texas]~~
1-45 Department of [on] Aging and Disability Services and area agencies
1-46 on aging[er] shall develop and implement a coordinated plan to
1-47 promote PACE program sites operating under this section. The
1-48 department shall adopt policies and procedures, including
1-49 operating guidelines, to ensure that caseworkers and any other
1-50 appropriate department staff discuss the benefits of participating
1-51 in the PACE program with long-term care clients.

1-52 (f) The department shall consider the PACE program as a
1-53 community-based service option under any "Money Follows the Person"
1-54 demonstration project or other initiative that is designed to
1-55 eliminate barriers or mechanisms that prevent or restrict the
1-56 flexible use of funds under the medical assistance program to
1-57 enable a recipient to receive long-term services or supports in a
1-58 setting of the recipient's choice.

1-59 (g) A PACE program site may coordinate with entities that
1-60 are eligible to obtain discount prescription drug prices under
1-61 Section 340B, Public Health Service Act (42 U.S.C. Section 256b),
1-62 as necessary to enable the PACE program site to obtain those
1-63 discounts.

2-1 (h) The commission shall adopt a standard reimbursement
2-2 methodology for the payment of all PACE organizations for purposes
2-3 of encouraging a natural increase in the number of PACE program
2-4 sites throughout the state.

2-5 SECTION 2. Subchapter B, Chapter 32, Human Resources Code,
2-6 is amended by adding Section 32.0531 to read as follows:

2-7 Sec. 32.0531. PACE PROGRAM TEAM. (a) The Department of
2-8 Aging and Disability Services shall establish a PACE program team
2-9 composed of experienced personnel. The team is responsible for:

2-10 (1) increasing public attention and awareness of the
2-11 availability of PACE program sites;

2-12 (2) increasing the number of PACE program sites
2-13 operating in this state; and

2-14 (3) serving as a liaison with the state and federal
2-15 agencies responsible for administering the PACE program,
2-16 participants in the program, and PACE program sites.

2-17 (b) The PACE program team shall conduct a study to evaluate
2-18 the feasibility of implementing a statewide standard reimbursement
2-19 rate for all PACE organizations. Not later than September 1, 2012,
2-20 the PACE program team shall submit to the Health and Human Services
2-21 Commission a written report containing the findings of the study
2-22 conducted under this subsection and the team's recommendations.
2-23 This subsection expires September 2, 2012.

2-24 SECTION 3. If before implementing any provision of this Act
2-25 a state agency determines that a waiver or authorization from a
2-26 federal agency is necessary for implementation of that provision,
2-27 the agency affected by the provision shall request the waiver or
2-28 authorization and may delay implementing that provision until the
2-29 waiver or authorization is granted.

2-30 SECTION 4. This Act takes effect September 1, 2011.

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