

1-1 By: Nelson S.B. No. 72
1-2 (In the Senate - Filed November 8, 2010; January 31, 2011,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 14, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 March 14, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 72 By: Nichols

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

1-10 relating to streamlining of and utilization management in Medicaid
1-11 long-term care waiver programs.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 161.077, Human Resources Code, as added
1-14 by Chapter 759 (S.B. 705), Acts of the 81st Legislature, Regular
1-15 Session, 2009, is redesignated as Section 161.081, Human Resources
1-16 Code, and amended to read as follows:

1-17 Sec. 161.081 [~~161.077~~]. LONG-TERM CARE MEDICAID WAIVER
1-18 PROGRAMS: STREAMLINING AND UNIFORMITY. (a) In this section,
1-19 "Section 1915(c) waiver program" has the meaning assigned by
1-20 Section 531.001, Government Code.

1-21 (b) The department, in consultation with the commission,
1-22 shall streamline the administration of and delivery of services
1-23 through Section 1915(c) waiver programs. In implementing this
1-24 subsection, the department, subject to Subsection (c), may consider
1-25 implementing the following streamlining initiatives:

1-26 (1) reducing the number of forms used in administering
1-27 the programs;

1-28 (2) revising program provider manuals and training
1-29 curricula;

1-30 (3) consolidating service authorization systems;

1-31 (4) eliminating any physician signature requirements
1-32 the department considers unnecessary;

1-33 (5) standardizing individual service plan processes
1-34 across the programs; ~~and~~

1-35 (6) if feasible:

1-36 (A) concurrently conducting program
1-37 certification and billing audit and review processes and other
1-38 related audit and review processes;

1-39 (B) streamlining other billing and auditing
1-40 requirements;

1-41 (C) eliminating duplicative responsibilities
1-42 with respect to the coordination and oversight of individual care
1-43 plans for persons receiving waiver services; and

1-44 (D) streamlining cost reports and other cost
1-45 reporting processes; and

1-46 (7) any other initiatives that will increase
1-47 efficiencies in the programs.

1-48 (c) The department shall ensure that actions taken under
1-49 Subsection (b) [~~this section~~] do not conflict with any requirements
1-50 of the commission under Section 531.0218, Government Code.

1-51 (d) The department and the commission shall jointly explore
1-52 the development of uniform licensing and contracting standards that
1-53 would:

1-54 (1) apply to all contracts for the delivery of Section
1-55 1915(c) waiver program services;

1-56 (2) promote competition among providers of those
1-57 program services; and

1-58 (3) integrate with other department and commission
1-59 efforts to streamline and unify the administration and delivery of
1-60 the program services, including those required by this section or
1-61 Section 531.0218, Government Code.

1-62 SECTION 2. Subchapter D, Chapter 161, Human Resources Code,
1-63 is amended by adding Section 161.082 to read as follows:

2-1 Sec. 161.082. LONG-TERM CARE MEDICAID WAIVER PROGRAMS:
2-2 UTILIZATION REVIEW. (a) In this section, "Section 1915(c) waiver
2-3 program" has the meaning assigned by Section 531.001, Government
2-4 Code.

2-5 (b) The department shall perform utilization review of
2-6 services in all Section 1915(c) waiver programs. The utilization
2-7 review must include reviewing program recipients' levels of care
2-8 and any plans of care for those recipients that exceed service level
2-9 thresholds established in the applicable waiver program
2-10 guidelines.

2-11 SECTION 3. If before implementing any provision of this Act
2-12 a state agency determines that a waiver or authorization from a
2-13 federal agency is necessary for implementation of that provision,
2-14 the agency affected by the provision shall request the waiver or
2-15 authorization and may delay implementing that provision until the
2-16 waiver or authorization is granted.

2-17 SECTION 4. This Act takes effect September 1, 2011.

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