

By: Nelson

S.B. No. 797

A BILL TO BE ENTITLED

AN ACT

1
2 relating to objective assessment processes for acute nursing
3 services and certain other services provided under the Medicaid
4 program.

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

6 SECTION 1. Subchapter B, Chapter 531, Government Code, is
7 amended by adding Sections 531.02417 and 531.024171 to read as
8 follows:

9 Sec. 531.02417. MEDICAID NURSING SERVICES ASSESSMENTS. (a)
10 In this section, "acute nursing services" means home health skilled
11 nursing services, home health aide services, and private duty
12 nursing services.

13 (b) The commission shall develop an objective assessment
14 process for use in assessing the needs of a Medicaid recipient for
15 acute nursing services. The commission shall require that:

16 (1) the assessment be conducted by a state employee or
17 contractor who is not the person who will deliver any necessary
18 services to the recipient and is not affiliated with the person who
19 will deliver those services; and

20 (2) the process include:

21 (A) an assessment of specified criteria and
22 documentation of the assessment results on a standard form; and

23 (B) completion by the person conducting the
24 assessment of any documents related to obtaining prior

1 authorization for necessary nursing services.

2 (c) The commission shall:

3 (1) implement the objective assessment process
4 developed under Subsection (b) within the Medicaid fee-for-service
5 model and the primary care case management Medicaid managed care
6 model; and

7 (2) take necessary actions, including modifying
8 contracts with managed care organizations under Chapter 533 to the
9 extent allowed by law, to implement the process within the STAR and
10 STAR+PLUS Medicaid managed care programs.

11 Sec. 531.024171. THERAPY SERVICES ASSESSMENTS. (a) In
12 this section, "therapy services" includes occupational, physical,
13 and speech therapy services.

14 (b) After implementing the objective assessment process for
15 acute nursing services as required by Section 531.02417, the
16 commission shall consider whether implementing a comparable
17 process with respect to assessing the needs of a Medicaid recipient
18 for therapy services would be feasible and beneficial.

19 (c) If the commission determines that implementing a
20 comparable process with respect to one or more types of therapy
21 services is feasible and would be beneficial, the commission may
22 implement the process within:

23 (1) the Medicaid fee-for-service model;

24 (2) the primary care case management Medicaid managed
25 care model; and

26 (3) the STAR and STAR+PLUS Medicaid managed care
27 programs.

1 SECTION 2. If before implementing any provision of this Act
2 a state agency determines that a waiver or authorization from a
3 federal agency is necessary for implementation of that provision,
4 the agency affected by the provision shall request the waiver or
5 authorization and may delay implementing that provision until the
6 waiver or authorization is granted.

7 SECTION 3. This Act takes effect September 1, 2011.