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(Zerwas)

S.B. No. 1878

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

10           (5) establish protocols for the referral of eligible  
11 persons to the PACE program.

12           (e) The [~~department, with the cooperation of the Texas~~]  
13 Department of [en] Aging and Disability Services and area agencies  
14 on aging[~~r~~] shall develop and implement a coordinated plan to  
15 promote PACE program sites operating under this section. The  
16 department shall adopt policies and procedures, including  
17 operating guidelines, to ensure that caseworkers and any other  
18 appropriate department staff discuss the benefits of participating  
19 in the PACE program with long-term care clients.

20           (f) The department shall consider the PACE program as a  
21 community-based service option under any "Money Follows the Person"  
22 demonstration project or other initiative that is designed to  
23 eliminate barriers or mechanisms that prevent or restrict the  
24 flexible use of funds under the medical assistance program to  
25 enable a recipient to receive long-term services or supports in a  
26 setting of the recipient's choice.

27           (g) A PACE program site may coordinate with entities that

1 are eligible to obtain discount prescription drug prices under  
2 Section 340B, Public Health Service Act (42 U.S.C. Section 256b),  
3 as necessary to enable the PACE program site to obtain those  
4 discounts.

5 (h) The Health and Human Services Commission shall adopt a  
6 reimbursement methodology for the payment of the providers of  
7 services under the PACE program for purposes of encouraging a  
8 natural increase in the number of PACE program sites throughout the  
9 state.

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

12 Sec. 32.0531. PACE PROGRAM TEAM. (a) The Department of  
13 Aging and Disability Services shall establish a PACE program team  
14 composed of experienced personnel. The team is responsible for:

15 (1) increasing public attention and awareness of the  
16 availability of PACE program sites;

17 (2) increasing the number of PACE program sites  
18 operating in this state; and

19 (3) serving as a liaison with the state and federal  
20 agencies responsible for administering the PACE program,  
21 participants in the program, and PACE program sites.

22 (b) The PACE program team shall conduct a study to evaluate  
23 the feasibility of implementing a statewide standard reimbursement  
24 rate for all providers of services under the PACE program. Not  
25 later than September 1, 2012, the PACE program team shall submit to  
26 the Health and Human Services Commission a written report  
27 containing the findings of the study conducted under this

1 subsection and the team's recommendations. This subsection expires  
2 September 2, 2012.

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

9           SECTION 4. This Act takes effect September 1, 2011.