

1-1 By: Deuell, Rodriguez S.B. No. 1878
1-2 (In the Senate - Filed March 16, 2011; March 28, 2011, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 26, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 26, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1878 By: Rodriguez

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~~[,]~~ 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 Health and Human Services Commission shall adopt a
2-2 reimbursement methodology for the payment of the providers of
2-3 services under the PACE program for purposes of encouraging a
2-4 natural increase in the number of PACE program sites throughout the
2-5 state.

2-6 SECTION 2. Subchapter B, Chapter 32, Human Resources Code,
2-7 is amended by adding Section 32.0531 to read as follows:

2-8 Sec. 32.0531. PACE PROGRAM TEAM. (a) The Department of
2-9 Aging and Disability Services shall establish a PACE program team
2-10 composed of experienced personnel. The team is responsible for:

2-11 (1) increasing public attention and awareness of the
2-12 availability of PACE program sites;

2-13 (2) increasing the number of PACE program sites
2-14 operating in this state; and

2-15 (3) serving as a liaison with the state and federal
2-16 agencies responsible for administering the PACE program,
2-17 participants in the program, and PACE program sites.

2-18 (b) The PACE program team shall conduct a study to evaluate
2-19 the feasibility of implementing a statewide standard reimbursement
2-20 rate for all providers of services under the PACE program. Not
2-21 later than September 1, 2012, the PACE program team shall submit to
2-22 the Health and Human Services Commission a written report
2-23 containing the findings of the study conducted under this
2-24 subsection and the team's recommendations. This subsection expires
2-25 September 2, 2012.

2-26 SECTION 3. If before implementing any provision of this Act
2-27 a state agency determines that a waiver or authorization from a
2-28 federal agency is necessary for implementation of that provision,
2-29 the agency affected by the provision shall request the waiver or
2-30 authorization and may delay implementing that provision until the
2-31 waiver or authorization is granted.

2-32 SECTION 4. This Act takes effect September 1, 2011.

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