

**House Bill 2903**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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;

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

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

(5) establish protocols for the referral of eligible persons to

SENATE VERSION (CS)

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

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the PACE program.

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

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

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

(h) The commission shall adopt a standard reimbursement methodology for the payment of all providers of services under the PACE program for purposes of encouraging a natural increase in the number of PACE program sites throughout the state.

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

Sec. 32.0531. PACE PROGRAM TEAM. The Department

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

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

Sec. 32.0531. PACE PROGRAM TEAM. (a) The

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of Aging and Disability Services shall establish a PACE program team composed of experienced personnel. The team is responsible for:

- (1) increasing public attention and awareness of the availability of PACE program sites;
- (2) increasing the number of PACE program sites operating in this state; and
- (3) serving as a liaison with the state and federal agencies responsible for administering the PACE program, participants in the program, and PACE program sites.

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

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

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- (2) increasing the number of PACE program sites operating in this state; and
- (3) serving as a liaison with the state and federal agencies responsible for administering the PACE program, participants in the program, and PACE program sites.

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

SECTION 3. Same as House version.

SECTION 4. Same as House version.

CONFERENCE