

By: Guillen

H.B. No. 1267

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain Medicaid home and community-based services
3 waiver programs.

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

5 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,
6 is amended by adding Sections 32.0521 and 32.0522 to read as
7 follows:

8 Sec. 32.0521. HOSPITAL LEVEL OF CARE WAIVER PROGRAM FOR
9 MEDICALLY FRAGILE INDIVIDUALS. (a) The department shall develop
10 and apply for a waiver under Section 1915(c), Social Security Act
11 (42 U.S.C. Section 1396n(c)), to provide the state with the
12 flexibility to provide medical assistance services outside the
13 scope, amount, or duration of nonwaiver services available to
14 medically fragile individuals who are at least 21 years of age and
15 who require a hospital level of care under the medical assistance
16 program.

17 (b) The hospital level of care waiver program under this
18 section must include coverage for:

- 19 (1) advanced supportive and restorative services;
20 (2) case management services;
21 (3) environmental modifications;
22 (4) home-delivered meals;
23 (5) hospice care;
24 (6) occupational therapy;

- 1 (7) personal care;
- 2 (8) prescribed drugs;
- 3 (9) personal emergency response systems;
- 4 (10) physical therapy;
- 5 (11) private duty nursing;
- 6 (12) respiratory therapy;
- 7 (13) respite care;
- 8 (14) skilled nursing;
- 9 (15) specialized medical equipment and supplies; and
- 10 (16) speech therapy.

11 (c) The department may not require that a medically fragile
12 or technology-dependent individual who meets the eligibility
13 criteria for the hospital level of care waiver program be placed in
14 an alternative institutional living arrangement as a condition for
15 receiving services under the program.

16 (d) To ensure that services subject to this section are cost
17 neutral and not duplicative of other services provided under the
18 medical assistance program, the department shall coordinate the
19 provision of services subject to this section with services
20 provided under other federal waiver programs.

21 Sec. 32.0522. LEVELS OF NEED IN HOME AND COMMUNITY-BASED
22 SERVICES WAIVER PROGRAM. (a) The department shall develop and
23 apply for a waiver under Section 1915(c), Social Security Act (42
24 U.S.C. Section 1396n(c)), to establish a level of need for use in
25 the Home and Community-based Services waiver program to assess
26 individuals who are at least 21 years of age and may require
27 continuous, intensive, and specialized medical support to ensure

1 that those individuals may receive that support.

2 (b) The individual cost limit for an individual assigned the
3 level of need established under this section must be equal to or
4 greater than the individual cost limit for an individual assigned a
5 level of need that includes the receipt of the most intensive
6 behavioral health support under the Home and Community-based
7 Services waiver program.

8 SECTION 2. If before implementing any provision of this Act
9 a state agency determines that a waiver, an amendment to an existing
10 waiver, or another authorization from a federal agency is necessary
11 for implementation of that provision, the agency affected by the
12 provision shall request the waiver, amendment to the existing
13 waiver, or other authorization and may delay implementing that
14 provision until the waiver, amendment, or authorization is granted.

15 SECTION 3. This Act takes effect September 1, 2013.