

By: Zaffirini

S.B. No. 29

A BILL TO BE ENTITLED

AN ACT

relating to certain Medicaid home and community-based services waiver programs.

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

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

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

(b) The medically fragile waiver program under this section must include coverage for:

(1) advanced supportive and restorative services;

(2) case management services;

(3) environmental modifications;

(4) home-delivered meals;

(5) hospice care;

(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 medically fragile waiver program be placed in an
14 alternative institutional living arrangement as a condition for
15 receiving services under the medicaid 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 amendment under Section 1915(c), Social Security
24 Act (42 U.S.C. Section 1396n(c)), to establish a level of need for
25 use in the Home and Community-based Services waiver program to
26 assess 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.