

BILL ANALYSIS

C.S.H.B. 1260
By: King, Susan
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, state supported living centers have the authority to provide certain medical, behavioral, and other services to people in the community who meet certain eligibility requirements. Observers recommend that a list of these services be established by rule in order to give providers and the public a chance to comment on the services that will be offered and the fee schedule for the services. C.S.H.B. 1260 seeks to implement this recommendation.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 1260 amends the Human Resources Code to require the executive commissioner of the Health and Human Services Commission, by rule, to establish a list of services a state supported living center may provide to individuals with developmental disabilities under a contract and procedures for the Department of Aging and Disability Services (DADS) to create, maintain, and amend as needed a schedule of fees that a state supported living center may charge for a service included in the list established by rule of the executive commissioner. The bill requires DADS, in creating the fee schedule, to use the reimbursement rate for the applicable service under the Medicaid program or to modify that rate with a written justification for the modification and after holding a public hearing on the issue of the modification. The bill authorizes a state supported living center, based on negotiations between the center and a managed care organization, to charge a fee for a service other than the fee provided by the schedule of fees created by DADS. The bill requires the executive commissioner, not later than September 1, 2016, to adopt the rules listing the authorized services and establishing the procedures for DADS to create the required fee schedule.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1260 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 161.080, Human Resources Code, is amended by adding Subsection (c) to read as follows:

(c) The executive commissioner by rule shall establish a list of services a state supported living center may provide under a contract described by Subsection (a) and a schedule of fees the state supported living center may charge for those services.

In establishing the schedule of fees for services, the executive commissioner shall use the reimbursement rate for the applicable service under the Medicaid program or modify that rate with a written justification for the modification.

SECTION 2. Not later than September 1, 2016, the executive commissioner of the Health and Human Services Commission shall adopt the rule listing services a state supported living center may provide under a contract and the schedule of fees for those services as required by Section 161.080, Human Resources Code, as amended by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 161.080, Human Resources Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) The executive commissioner by rule shall establish:

(1) a list of services a state supported living center may provide under a contract described by Subsection (a); and

(2) procedures for the department to create, maintain, and amend as needed a schedule of fees that a state supported living center may charge for a service included in the list established by rule of the executive commissioner.

(d) In creating a schedule of fees, the department shall:

(1) use the reimbursement rate for the applicable service under the Medicaid program; or

(2) modify that rate with a written justification for the modification and after holding a public hearing on the issue of the modification.

(e) Notwithstanding Subsection (c), a state supported living center, based on negotiations between the center and a managed care organization, as defined by Section 533.001, Government Code, may charge a fee for a service other than the fee provided by the schedule of fees created by the department under this section.

SECTION 2. Not later than September 1, 2016, the executive commissioner of the Health and Human Services Commission shall adopt the rules listing services a state supported living center may provide under a contract and the procedures for the Department of Aging and Disability Services to create the schedule of fees for those services, as required by Section 161.080, Human Resources Code, as amended by this Act.

SECTION 3. Same as introduced version.

receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.