

By: Kolkhorst

S.B. No. 1602

A BILL TO BE ENTITLED

AN ACT

relating to the delivery of certain Medicaid managed care benefits and reimbursement rates for certain of those services.

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

SECTION 1. Sections 533.00251(c) and (d), Government Code, are amended to read as follows:

(c) Subject to Section 533.0025 and notwithstanding any other law, the commission, in consultation with the advisory committee, shall provide benefits under the medical assistance program to recipients who reside in nursing facilities through the STAR + PLUS Medicaid managed care program. In implementing this subsection, the commission shall ensure:

(1) that, subject to Section 533.002511, the commission is responsible for setting the minimum reimbursement rate paid to a nursing facility under the managed care program, including the staff rate enhancement paid to a nursing facility that qualifies for the enhancement;

(2) that a nursing facility is paid not later than the 10th day after the date the facility submits a clean claim;

(3) the appropriate utilization of services consistent with criteria adopted by the commission;

(4) a reduction in the incidence of potentially preventable events and unnecessary institutionalizations;

(5) that a managed care organization providing

1 services under the managed care program provides discharge
2 planning, transitional care, and other education programs to
3 physicians and hospitals regarding all available long-term care
4 settings;

5 (6) that a managed care organization providing
6 services under the managed care program:

7 (A) assists in collecting applied income from
8 recipients; and

9 (B) provides payment incentives to nursing
10 facility providers that reward reductions in preventable acute care
11 costs and encourage transformative efforts in the delivery of
12 nursing facility services, including efforts to promote a
13 resident-centered care culture through facility design and
14 services provided;

15 (7) the establishment of a portal that is in
16 compliance with state and federal regulations, including standard
17 coding requirements, through which nursing facility providers
18 participating in the STAR + PLUS Medicaid managed care program may
19 submit claims to any participating managed care organization;

20 (8) that rules and procedures relating to the
21 certification and decertification of nursing facility beds under
22 the medical assistance program are not affected; and

23 (9) that a managed care organization providing
24 services under the managed care program, to the greatest extent
25 possible, offers nursing facility providers access to:

26 (A) acute care professionals; and

27 (B) telemedicine, when feasible and in

1 accordance with state law, including rules adopted by the Texas
2 Medical Board.

3 (d) Subject to Subsection (e), the commission shall ensure
4 that a nursing facility provider authorized to provide services
5 under the medical assistance program on September 1, 2015 [~~2013~~],
6 is allowed to participate in the STAR + PLUS Medicaid managed care
7 program through August 31, 2019 [~~2017~~].

8 SECTION 2. Subchapter A, Chapter 533, Government Code, is
9 amended by adding Section 533.002511 to read as follows:

10 Sec. 533.002511. MINIMUM NURSING FACILITY REIMBURSEMENT
11 RATES FOR RECIPIENTS ALSO ELIGIBLE FOR MEDICARE. A contract
12 between a managed care organization and the commission for the
13 organization to provide health care services to recipients must
14 contain a requirement that the minimum reimbursement rate paid by
15 the organization to a nursing facility for services provided to a
16 recipient who is also eligible to receive services under the
17 Medicare program is the prevailing reimbursement rate for nursing
18 facilities under the Medicare program.

19 SECTION 3. Section 533.005(a-1), Government Code, is
20 amended to read as follows:

21 (a-1) The requirements imposed by Subsections (a)(23)(A),
22 (B), and (C) do not apply, and may not be enforced, on and after
23 August 31, 2019 [~~2018~~].

24 SECTION 4. If before implementing any provision of this Act
25 a state agency determines that a waiver or authorization from a
26 federal agency is necessary for implementation of that provision,
27 the agency affected by the provision shall request the waiver or

1 authorization and may delay implementing that provision until the
2 waiver or authorization is granted.

3 SECTION 5. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2015.