

By: Lambert

H.B. No. 3409

Substitute the following for H.B. No. 3409:

By: Minjarez

C.S.H.B. No. 3409

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the provision of services and resources to certain
3 individuals by a state supported living center and to the creation
4 of a schedule of support services a state supported living center
5 may provide and procedures for establishing applicable fees for
6 those services.

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

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

11 (b) Notwithstanding any other law, a state supported living
12 center may provide nonresidential services to support an individual
13 if ~~[+~~

14 ~~[(1) the individual:~~

15 ~~[(A) is receiving services in a program funded by~~
16 ~~the department,~~

17 ~~[(B) meets the eligibility criteria for the~~
18 ~~intermediate care facility for persons with an intellectual~~
19 ~~disability program, and~~

20 ~~[(C) resides in the area in which the~~
21 ~~state supported living center is located, and~~

22 ~~[(2)]~~ the provision of services to the individual does
23 not interfere with the provision of services to a resident of the
24 state supported living center.

1 (c) The executive commissioner by rule shall establish:

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

4 (2) procedures for the commission to create, maintain,
5 and amend as needed a schedule of fees that a state supported living
6 center may charge for a service included in the list described by
7 Subdivision (1).

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

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

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

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

20 SECTION 2. Not later than September 1, 2018, the executive
21 commissioner of the Health and Human Services Commission shall
22 adopt the rules listing services a state supported living center
23 may provide under a contract and the procedures for the commission
24 to create the schedule of fees for those services, as required by
25 Section 161.080, Human Resources Code, as amended by this Act.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2017.