By:  Capriglione H.B. No. 161

A BILL TO BE ENTITLED

AN ACT

relating to making supplemental appropriations relating to health and human services and giving direction regarding appropriations.

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

SECTION 1.  DEPARTMENT OF STATE HEALTH SERVICES: COVID-19 SERVICES. (a) The amount of $2,005,581,271 is appropriated to the Department of State Health Services from money received by this state from the Coronavirus State Fiscal Recovery Fund (42 U.S.C. Section 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) and deposited to the credit of the Coronavirus Relief Fund No. 325 for the following purposes related to the coronavirus disease pandemic during the period beginning on March 3, 2021, and ending December 31, 2021:

(1)  providing funding for state and local hospital surge staffing;

(2)  purchasing therapeutic drugs, including drugs for monoclonal antibody treatments; and

(3)  providing funding for the operation of regional infusion centers.

(b)  It is the intent of the legislature that any reimbursement received by the Department of State Health Services from the Federal Emergency Management Agency related to expenditures paid from money appropriated under Subsection (a) of this section be deposited to the general revenue fund and not expended until appropriated by the 88th Legislature. Appropriations made under Subsection (a) of this section that remain unobligated on January 1, 2022, lapse to the credit of the Coronavirus Relief Fund No. 325 and may not expended until appropriated by the legislature.

SECTION 2.  HEALTH AND HUMAN SERVICES COMMISSION: DALLAS STATE HOSPITAL. (a) The amount of $237,800,000 is appropriated to the Health and Human Services Commission from money received by this state from the Coronavirus State Fiscal Recovery Fund (42 U.S.C. Section 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) and deposited to the credit of the Coronavirus Relief Fund No. 325 for the purpose of completing construction of a state hospital in Dallas during the two-year period beginning on the effective date of this Act.

(b)  The capital budget authority of the Health and Human Services Commission in Chapter 1053 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021 (the General Appropriations Act), is increased by $237,800,000 for the appropriation made under Subsection (a) of this section.

SECTION 3.  HEALTH AND HUMAN SERVICES COMMISSION: STAFFING NEEDS. (a) The amount of $300,000,000 is appropriated to the Health and Human Services Commission from money received by this state from the Coronavirus State Fiscal Recovery Fund (42 U.S.C. Section 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) and deposited to the credit of the Coronavirus Relief Fund No. 325 for the purpose of providing funding during the two-year period beginning on the effective date of this Act for the Health and Human Services Commission to administer one-time grants related to providing critical staffing needs resulting from frontline health care workers affected by COVID-19, including providing recruitment and retention bonuses for staff:

(1)  of nursing facilities, assisted living facilities, home health agencies, and facilities that serve persons with intellectual or developmental disabilities in an intermediate care facility for individuals with intellectual disabilities or related conditions (ICF/IID);

(2)  who provide community attendant services; and

(3)  who provide home and community-based services and services through the Texas home living (HCS and TxHML) waiver programs.

(b)  It is the intent of the legislature that the Health and Human Services Commission prioritize grants to grantees that comply with the reporting requirements prescribed by Rider 143 (Health and Human Services Commission), Chapter 1053 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021 (the General Appropriations Act), the reporting requirements established by Chapter 588 (S.B. 809), Acts of the 87th Legislature, 2021, or equivalent reporting requirements established by the Health and Human Services Commission.

(c)  Annually, the Health and Human Services Commission shall report to the Legislative Budget Board the grants awarded under this section. The report must include, for the year covered by the report, the amount of grants awarded, the award recipients, and the total amount of each grant used by the recipient. The report must be submitted to the Legislative Budget Board not later than December 1 of the year in which the report is due.

(d)  Of the amount appropriated under Subsection (a) of this section:

(1)  $150,000,0000 may be used only for grants for nursing facilities; and

(2)  $150,000,0000 may be used only for grants for assisted living facilities, home health facilities, community attendants, and facilities that serve persons with intellectual or developmental disabilities in an intermediate care facility for individuals with intellectual disabilities or related conditions (ICF/IID), home and community-based services and Texas home living (HCS and TxHML) waiver programs.

SECTION 4.  HEALTH AND HUMAN SERVICES COMMISSION: RURAL HOSPITALS. The amount of $75,000,000 is appropriated to the Health and Human Services Commission from money received by this state from the Coronavirus State Fiscal Recovery Fund (42 U.S.C. Section 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) and deposited to the credit of the Coronavirus Relief Fund No. 325 for the purpose of providing funding for grants to support rural hospitals that have been affected by the COVID-19 pandemic during the two-year period beginning on the effective date of this Act.

SECTION 5.  DEPARTMENT OF STATE HEALTH SERVICES: FEDERALLY QUALIFIED HEALTH CENTER INCUBATOR PROGRAM. The amount of $20,000,000 is appropriated to the Department of State Health Services from money received by this state from the Coronavirus State Fiscal Recovery Fund (42 U.S.C. Section 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) and deposited to the credit of the Coronavirus Relief Fund No. 325 for use during the two-year period beginning on the effective date of this Act for the Federally Qualified Health Center Incubator Program.

SECTION 6.  DEPARTMENT OF STATE HEALTH SERVICES: EMERGENCY MEDICAL SERVICES. (a) The amount of $21,700,000 is appropriated to the Department of State Health Services from money received by this state from the Coronavirus State Fiscal Recovery Fund (42 U.S.C. Section 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) and deposited to the credit of the Coronavirus Relief Fund No. 325 for the purpose of providing funding for emergency medical response service staffing, including:

(1)  funding for programs to incentivize and increase the number of Emergency Medical Technicians (EMTs) and paramedics that provide care on an ambulance; and

(2)  funding for Emergency Medical Services (EMS) education programs, including distance learning programs, to increase the number of EMTs and paramedics graduating from EMS education programs.

(b)  It is the intent of the legislature that, consistent with state law, the Department of State Health Services prioritize funding appropriated under Subsection (a) of this section for rural and underserved areas.

SECTION 7.  DEPARTMENT OF STATE HEALTH SERVICES AND HEALTH AND HUMAN SERVICES COMMISSION: FEDERAL FUNDS FOR HOSPITALS. It is the intent of the Legislature that the Department of State Health Services and the Health and Human Services Commission, in distributing any money received from the Coronavirus State Fiscal Recovery Fund (42 U.S.C. Section 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) and deposited to the credit of the Coronavirus Relief Fund No. 325 distribute the money appropriated by this Act only to entities that are in compliance with the hospital price transparency public disclosure requirements required by 45 C.F.R. Sections 180.10 - 180.60 and by Chapter 1044 (S.B. 1137), Acts of the 87th Legislature, Regular Session, 2021.

SECTION 8.  LEGISLATIVE INTENT REGARDING APPROPRIATIONS. (a) It is the intent of the legislature that the appropriations made by this Act are one-time appropriations made for the purpose of addressing the needs of this state for the two-year period beginning on the effective date of this Act.

(b)  It is the intent of the legislature that the appropriations made by this Act be used only for purposes authorized by state and federal law, including guidance issued by the United States Department of the Treasury as part of the interim final rules published in 86 Fed. Reg. 26786 (May 17, 2021).

(c)  It is the intent of the legislature that the appropriations made by this Act be used before all other methods of finance if more than one method of finance has been appropriated by this and a prior act of the legislature for use during a state fiscal year.

(d)  It is the intent of the legislature that if the purpose of an appropriation, for any reason, is determined by the United States Department of the Treasury or any other qualified state or federal authority to have been made for an improper use, the appropriated money not be spent and instead be retained in the treasury and available for later legislative appropriation.

SECTION 9.  APPROPRIATION AUTHORITY UNDER FEDERAL LAW. The appropriations made under Sections 2, 4, 5, and 6 of this Act using money received by this state from the Coronavirus State Fiscal Recovery Fund (42 U.S.C. Section 802) established under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) are made in accordance with 42 U.S.C. Section 802(c)(1)(C), which allows money from the Coronavirus State Fiscal Recovery Fund to be used to provide government services to the extent of a reduction in the revenue of a state government caused by the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the state government that ended before that emergency.

SECTION 10.  APPLICABILITY OF TRANSFER PROVISIONS OF OTHER LAW. The transfer provisions of Part 14, Article IX, Chapter 1053 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021 (the General Appropriations Act), and the transfer provisions of Section 65, Chapter 995 (H.B. 2), Acts of the 87th Legislature, Regular Session, 2021 (the Supplemental Appropriations Act), apply to the appropriations made by this Act to allow appropriate transfer of appropriations made by this Act as if the appropriations made by the General Appropriations Act, the Supplemental Appropriations Act, and this Act were all a part of the same Act, to the extent permitted by federal law.

SECTION 11.  EFFECTIVE DATE. This Act takes effect immediately.