

By: Capriglione, Rose, Dean, Raney

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

1 expended until appropriated by the 88th Legislature.
2 Appropriations made under Subsection (a) of this section that
3 remain unobligated on January 1, 2022, lapse to the credit of the
4 Coronavirus Relief Fund No. 325 and may not expended until
5 appropriated by the legislature.

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

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

20 SECTION 3. HEALTH AND HUMAN SERVICES COMMISSION: STAFFING
21 NEEDS. (a) The amount of \$300,000,000 is appropriated to the
22 Health and Human Services Commission from money received by this
23 state from the Coronavirus State Fiscal Recovery Fund (42
24 U.S.C. Section 802) established under the American Rescue Plan Act
25 of 2021 (Pub. L. No. 117-2) and deposited to the credit of the
26 Coronavirus Relief Fund No. 325 for the purpose of providing
27 funding during the two-year period beginning on the effective date

1 of this Act for the Health and Human Services Commission to
2 administer one-time grants related to providing critical staffing
3 needs resulting from frontline health care workers affected by
4 COVID-19, including providing recruitment and retention bonuses
5 for staff:

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

11 (2) who provide community attendant services; and

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

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

24 (c) Annually, the Health and Human Services Commission
25 shall report to the Legislative Budget Board the grants awarded
26 under this section. The report must include, for the year covered
27 by the report, the amount of grants awarded, the award recipients,

1 and the total amount of each grant used by the recipient. The
2 report must be submitted to the Legislative Budget Board not later
3 than December 1 of the year in which the report is due.

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

6 (1) \$150,000,0000 may be used only for grants for
7 nursing facilities; and

8 (2) \$150,000,0000 may be used only for grants for
9 assisted living facilities, home health facilities, community
10 attendants, and facilities that serve persons with intellectual or
11 developmental disabilities in an intermediate care facility for
12 individuals with intellectual disabilities or related conditions
13 (ICF/IID), home and community-based services and Texas home living
14 (HCS and TxHML) waiver programs.

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

25 SECTION 5. DEPARTMENT OF STATE HEALTH SERVICES: FEDERALLY
26 QUALIFIED HEALTH CENTER INCUBATOR PROGRAM. The amount of
27 \$20,000,000 is appropriated to the Department of State Health

1 Services from money received by this state from the Coronavirus
2 State Fiscal Recovery Fund (42 U.S.C. Section 802) established
3 under the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) and
4 deposited to the credit of the Coronavirus Relief Fund No. 325 for
5 use during the two-year period beginning on the effective date of
6 this Act for the Federally Qualified Health Center Incubator
7 Program.

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

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

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

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

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

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

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

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

1 fiscal year.

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

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

20 SECTION 10. APPLICABILITY OF TRANSFER PROVISIONS OF OTHER
21 LAW. The transfer provisions of Part 14, Article IX, Chapter 1053
22 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021 (the
23 General Appropriations Act), and the transfer provisions of Section
24 65, Chapter 995 (H.B. 2), Acts of the 87th Legislature, Regular
25 Session, 2021 (the Supplemental Appropriations Act), apply to the
26 appropriations made by this Act to allow appropriate transfer of
27 appropriations made by this Act as if the appropriations made by the

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1 General Appropriations Act, the Supplemental Appropriations Act,
2 and this Act were all a part of the same Act, to the extent permitted
3 by federal law.

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