

BILL ANALYSIS

Senate Research Center

S.B. 50
By: Zaffirini
Health & Human Services
5/27/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 50 would direct the Health and Human Services Commission (HHSC) to develop a process to evaluate the opportunities and services available to persons with disabilities and IDD enrolled in any Medicaid waiver programs and to tailor their person-directed plan as needed. What's more, it removes the requirement that would have directed HHSC to establish performance measures for the employment of persons with disabilities. This would ensure persons with disabilities receive the support necessary to find competitive, integrated employment in compliance with the Employment First law and federal Home Community-Based Services (HCBS) final rules while protecting employers from potential penalties for not meeting performance measures.

S.B. 50 amends current law relating to a competitive and integrated employment initiative for certain Medicaid recipients.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 531.02448, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.02448, as follows:

Sec. 531.02448. COMPETITIVE AND INTEGRATED EMPLOYMENT INITIATIVE FOR CERTAIN MEDICAID RECIPIENTS. (a) Provides that this section applies to an individual receiving services under:

(1) any of the following waiver programs established under Section 1915(c), Social Security Act (42 U.S.C. Section 1396n(c)):

(A) the home and community-based services (HCS) waiver program;

(B) the Texas home living (TxHmL) waiver program;

(C) the deaf-blind with multiple disabilities (DBMD) waiver program;

(D) the community living assistance and support services (CLASS) waiver program; and

(2) the STAR+PLUS home and community-based services (HCBS) waiver program established under Section 1115, Social Security Act (42 U.S.C. Section 1315).

(b) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) by rule to develop a uniform

process that complies with the policy under Section 531.02447 (Employment-First Policy) to:

(1) assess the goals of and competitive and integrated employment opportunities and related employment services available to an individual to whom this section applies; and

(2) use the identified goals and available opportunities and services to direct the individual's plan of care at the time the plan is developed or renewed.

(c) Requires the entity responsible for the development and renewal of the plan of care for an individual to whom this section applies to use the uniform process the executive commissioner develops to assess the individual's goals, opportunities, and services described by Subsection (b) and incorporate those goals, opportunities, and services into the plan of care.

(d) Requires the executive commissioner by rule to:

(1) identify strategies to increase the number of individuals who are receiving employment services from the Texas Workforce Commission (TWC) or through the waiver program in which an individual is enrolled;

(2) determine a reasonable number of individuals who indicate a desire to work to receive employment services and ensure those individuals:

(A) have received employment services during the state fiscal biennium ending August 31, 2023, or during the period beginning September 1, 2023, and ending December 31, 2023, from TWC or through the waiver program in which an individual is enrolled; or

(B) are receiving employment services on December 31, 2023, from TWC or through the waiver program in which an individual is enrolled; and

(3) ensure each individual who indicates a desire to work is referred to receive employment services from TWC or through the waiver program in which the individual is enrolled.

(e) Requires the executive commissioner, not later than December 31 of each even-numbered year, to prepare and submit to the governor, lieutenant governor, speaker of the Texas House of Representatives, and legislature a written report that outlines:

(1) the number of individuals to whom this section applies who are receiving employment services in accordance with rules adopted under this section;

(2) whether the employment services described by Subdivision (1) are provided by TWC, through the waiver program in which an individual is enrolled, or both; and

(3) the number of individuals to whom this section applies who have obtained competitive and integrated employment, categorized by waiver program and, if applicable, an individual's level of care.

SECTION 2. Requires the executive commissioner, as soon as practicable after the effective date of this Act, to adopt rules as necessary to implement Section 531.02448, Government Code, as added by this Act.

SECTION 3. Requires the executive commissioner, notwithstanding Section 531.02448(e), Government Code, as added by this Act, to submit the first report required by that section not later than December 31, 2024.

SECTION 4. Provides that HHSC is required to implement a provision of this Act only if the legislature appropriates money to HHSC specifically for that purpose. Provides that, if the legislature does not appropriate money specifically for that purpose, HHSC is authorized, but is not required, to implement a provision of this Act using other appropriations that are available for that purpose.

SECTION 5. Effective date: September 1, 2021.