

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1808
By: Kolkhorst
Health & Human Services
4/19/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Health and Human Services Commission has received approval from the Centers for Medicare and Medicaid Services (CMS) to move forward with a state plan amendment (SPA) to provide residents with intellectual and developmental disabilities (IDD) living in nursing facilities with behavioral support, day habilitation, independent living skills training, employment assistance, and supported employment.

S.B. 1808 seeks to align state law to ensure that there is not a delay in the implementation of the state plan amendment and that federal funds can be used to provide these services approved by CMS in Texas.

(Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1808 amends current law relating to the regulation of providers of certain Medicaid services to persons with an intellectual or developmental disability.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 142.003(a), Health and Safety Code, as follows:

(a) Provides that the following persons need not be licensed under Chapter 142 (Home and Community Support Services):

(1)-(18) makes no changes to these subdivisions;

(19) makes a nonsubstantive change to this subdivision;

(20) a person who provides intellectual and developmental disabilities habilitative specialized services under Medicaid and is a certified HCS or TxHmL provider, or is a local intellectual and developmental disability authority contracted under Section 534.105 (Designation of Provider); or

(21) creates this subdivision from existing text and makes no further changes.

SECTION 2. Amends Section 250.001(3), Health and Safety Code, to redefine "facility" in Chapter 250 (Nurse Aide Registry and Criminal History Checks of Employees and Applicants for Employment in Certain Facilities Serving the Elderly, Persons with Disabilities, or Persons with Terminal Illnesses) to include a person exempt from licensing under Section 142.003(a)(20).

SECTION 3. Amends Section 260.002, Health and Safety Code, to provide that Chapter 260 (Boarding Home Facilities) does not apply to certain persons, including a person that is exempt from licensing under Section 142.003(a)(20).

SECTION 4. Amends Section 48.401(1), Human Resources Code, to redefine "agency" in Subchapter I (Employee Misconduct Registry) to include a person exempt from licensing under Section 142.003(a)(20), Health and Safety Code.

SECTION 5. Effective date: September 1, 2021.