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By:  Zaffirini S.B. No. 1457

A BILL TO BE ENTITLED

AN ACT

relating to peer specialists for and the provision of peer services to individuals with an intellectual or developmental disability, including the provision of those services under Medicaid.

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

SECTION 1.  Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.09995 to read as follows:

Sec. 531.09995.  PEER SPECIALISTS AND PEER SERVICES FOR INDIVIDUALS WITH AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY. (a) With input from intellectual and developmental disability peer specialists and the work group described by Subsection (b), the commission shall develop and the executive commissioner shall adopt:

(1)  rules that establish training requirements for peer specialists so that they are able to provide services to individuals with an intellectual or developmental disability;

(2)  rules that establish certification and supervision requirements for intellectual and developmental disability peer specialists;

(3)  rules that define the scope of services that intellectual and developmental disability peer specialists may provide;

(4)  rules that distinguish peer services for individuals with an intellectual or developmental disability from other services that a person must hold a license to provide; and

(5)  any other rules necessary to protect the health and safety of individuals receiving peer services.

(b)  The commission shall establish a stakeholder work group to provide input for the adoption of rules under Subsection (a). The work group is composed of the following stakeholders appointed by the executive commissioner:

(1)  one representative of each organization that certifies intellectual and developmental disability peer specialists in this state;

(2)  three representatives of organizations that employ intellectual and developmental disability peer specialists;

(3)  one intellectual and developmental disability peer specialist who works in an urban area;

(4)  one intellectual and developmental disability peer specialist who works in a rural area;

(5)  one individual who trains intellectual and developmental disability peer specialists;

(6)  three representatives of licensed health care professional groups who supervise intellectual and developmental disability peer specialists;

(7)  not more than three individuals with personal experience living with an intellectual or developmental disability; and

(8)  any other individuals considered appropriate by the executive commissioner.

(c)  The executive commissioner shall appoint one member of the work group to serve as presiding officer.

(d)  The work group shall meet once every month.

(e)  The work group is automatically abolished on the adoption of rules under Subsection (a).

(f)  An intellectual and developmental disability peer specialist who seeks Medicaid reimbursement for peer services may not:

(1)  provide peer services to an individual with an intellectual or developmental disability who resides in a state supported living center unless a guardian of the individual is present at the time the services are provided; or

(2)  recommend to or advocate for an individual with an intellectual or developmental disability who resides in a state supported living center to leave or move out of the center.

SECTION 2.  Section 32.024(kk), Human Resources Code, as added by Chapter 1015 (H.B. 1486), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(kk)  The commission in its rules and standards governing the scope of services provided under the medical assistance program shall include peer services provided by certified peer specialists, including peer services provided to individuals with an intellectual or developmental disability, to the extent permitted by federal law.

SECTION 3.  As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall:

(1)  adopt the rules required by Section 531.09995(a), Government Code, as added by this Act; and

(2)  appoint the members of the stakeholder work group established by Section 531.09995(b), Government Code, as added by this Act.

SECTION 4.  If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 5.  This Act takes effect September 1, 2021.