

By: Minjarez

H.B. No. 3368

A BILL TO BE ENTITLED

AN ACT

relating to the program of all-inclusive care for the elderly.

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

SECTION 1. Section 32.053, Human Resources Code, is amended by amending Subsections (b) and (e) and adding Subsections (b-1) and (e-1) to read as follows:

(b) The executive commissioner shall adopt rules as necessary to implement this section. In adopting rules, the executive commissioner shall:

(1) use the Bienvivir Senior Health Services of El Paso initiative as a model for the program;

(2) ensure that a person is not required to hold a certificate of authority as a health maintenance organization under Chapter 843, Insurance Code, to provide services under the PACE program;

(3) ensure that participation in the PACE program is available as an alternative to enrollment in a Medicaid managed care plan under Chapter 533, Government Code, for eligible recipients, including recipients eligible for assistance under both the medical assistance and Medicare programs;

(4) ensure that the commission's enrollment broker complies with Subsection (b-1);

(5) ensure that qualified eligible recipients who choose to participate in the PACE program are allowed to enroll in

1 the program [~~managed care organizations that contract under Chapter~~  
2 ~~533, Government Code, consider the availability of the PACE program~~  
3 ~~when considering whether to refer a recipient to a nursing facility~~  
4 ~~or other long-term care facility~~];

5           (6) [~~and~~  
6           ~~(5)~~] establish protocols for the referral of eligible  
7 persons to the PACE program; and

8           (7) ensure that the PACE enrollment census is allowed  
9 to grow based on need as determined by the enrollment census.

10           (b-1) The commission's enrollment broker shall:

11                   (1) identify all individuals enrolling in Medicaid who  
12 are eligible for nursing facility care and reside in a PACE program  
13 service area and advise those individuals that they may:

14                           (A) request an eligibility assessment to  
15 participate in the PACE program; and

16                           (B) choose to enroll in the PACE program as an  
17 alternative to enrolling in a managed care plan under Chapter 533,  
18 Government Code; and

19                   (2) on a monthly basis, refer each recipient described  
20 by Subdivision (1) that the broker advised to the PACE program site  
21 in the corresponding service area.

22           (e) The commission [~~Department of Aging and Disability~~  
23 ~~Services~~] and area agencies on aging shall develop and implement a  
24 coordinated plan to promote PACE program sites operating under this  
25 section. The executive commissioner shall adopt policies and  
26 procedures, including operating guidelines, to ensure that  
27 caseworkers and any other appropriate department staff discuss the

1 benefits of participating in the PACE program with long-term care  
2 clients.

3 (e-1) The commission shall develop educational materials  
4 that describe the PACE program, including the services provided  
5 under the program, and the benefits of receiving acute care  
6 services and long-term care services through the program.

7 SECTION 2. If before implementing any provision of this Act  
8 a state agency determines that a waiver or authorization from a  
9 federal agency is necessary for implementation of that provision,  
10 the agency affected by the provision shall request the waiver or  
11 authorization and may delay implementing that provision until the  
12 waiver or authorization is granted.

13 SECTION 3. This Act takes effect September 1, 2021.