

## **BILL ANALYSIS**

Senate Research Center  
88R13490 KKR-F

S.B. 2489  
By: Sparks  
Health & Human Services  
4/17/2023  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas home and community-based services (HCS) and Texas home living (TxHmL) waivers include various services to support people with intellectual and developmental disabilities in the community, including day and employment services.

In order to come into compliance with federal Home and Community-based Services (HCS) settings requirements, the Health and Human Services Commission (HHSC) made several changes to HCS and TxHmL, including replacing existing day services (formerly called "day habilitation") with a new, fully compliant service called individualized skills and socialization (ISS), effective March 1, 2023.

Prior to the transition, individuals could participate in prevocational services, including activities where an individual could be paid, so long as the goal of the activity was to build skills necessary to achieve integrated employment and not for the primary purpose of "producing goods or performing services."

ISS regulations adopted by HHSC prohibit billing for prevocational services where the individual could be paid.

S.B. 2489 directs HHSC to authorize prevocational services as part of the HCS program.

As proposed, S.B. 2489 amends current law relating to providing prevocational services under certain Medicaid waiver programs.

### **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 Subchapter B, Chapter 32, Human Resources Code, by adding Section 32.0755, as follows:

Sec. 32.0755. PREVOCATIONAL SERVICES UNDER CERTAIN WAIVER PROGRAMS. (a) Defines "prevocational services."

(b) Requires that prevocational services provided under the community living assistance and support services (CLASS) waiver program or another medical assistance waiver program providing long-term services or supports to a medical assistance recipient be designed to assist the recipient in achieving permanent integrated employment receiving compensation at or above the minimum wage in the recipient's community and in accordance with state and federal law.

(c) Provides that habilitation services, for purposes of determining a recipient's eligibility for individualized skills and socialization services under a medical assistance program providing long-term services or supports to recipients under the medical assistance program, include prevocational services.

SECTION 2. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes a delay of implementation until such a waiver or authorization is granted.

SECTION 3. Effective date: upon passage or September 1, 2023.