88R14636 BDP-F

By:  Parker S.B. No. 2359

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the intellectual disabilities and complex medical needs community support pilot program.

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

SECTION 1.  Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0997 to read as follows:

Sec. 531.0997.  INTELLECTUAL DISABILITIES AND COMPLEX MEDICAL NEEDS COMMUNITY SUPPORT PILOT PROGRAM; REPORT ON PROGRAM. (a) In this section:

(1)  "Adult with a disability" means an individual who:

(A)  has an intelligence quotient of 69 or below; or

(B)  has an intelligence quotient of 75 or below and:

(i)  mild to severe deficits in adaptive behavior;

(ii)  a chronic or acute medical condition that requires continuous or frequent medical intervention; and

(iii)  a need for substantial assistance in meeting daily living needs.

(2)  "Group home" means a residential facility that provides support services to not more than four individuals with a disability.

(3)  "Intentional community" means a voluntary residential community that is designed to support a shared way of life and may include a cooperative housing community.

(4)  "Pilot program" means the intellectual disabilities and complex medical needs community support pilot program established under this section.

(b)  The executive commissioner by rule shall develop and implement a pilot program to award grants to nonprofit organizations for the purpose of increasing community-based housing options for adults who have a disability and complex medical needs by providing housing in intentional communities or group homes and community support. The program must be operated in two regions of this state, as determined by the commission.

(c)  An adult with a disability is eligible to receive housing in an intentional community or group home operated by a nonprofit organization under the pilot program if the individual:

(1)  is a resident of this state;

(2)  is at least 18 years of age;

(3)  is a Medicaid recipient or is eligible to receive Medicaid;

(4)  is considered medically fragile, as defined by commission rule; and

(5)  meets any other eligibility criteria the commission establishes.

(d)  The commission shall award grants to eligible nonprofit organizations that serve local intellectual and developmental disability authorities according to commission rules. Grant money awarded under the program may only be used by an organization to:

(1)  provide housing and services to adults with a disability;

(2)  cover an organization's costs related to participating in the program, including the:

(A)  costs of the construction of a group home or a residential home within an intentional community;

(B)  costs of the renovation of a group home or a residential home within an intentional community;

(C)  costs of recruiting and training employees to:

(i)  operate a group home or residential home within an intentional community; and

(ii)  provide services to an adult with a disability living in the home; and

(D)  supplemental costs of health care services provided by a licensed health care professional to an adult with a disability living in a home; and

(3)  to the extent allowed by federal law, provide Medicaid reimbursement at a rate set by the executive commissioner by rule for the recruitment and training of employees described by Subdivision (2)(C) and health care services provided under the pilot program.

(e)  Not later than November 1, 2028, the commission shall:

(1)  evaluate the effectiveness of the pilot program, considering:

(A)  the quality of the homes provided;

(B)  the quality of accessibility;

(C)  the number of adults with a disability served by a nonprofit organization;

(D)  the quality of care provided by the organizations;

(E)  whether the program is cost-effective;

(F)  how the program is integrated into the community; and

(G)  the satisfaction of program participants; and

(2)  submit a written report providing an evaluation of the pilot program and a recommendation regarding whether the program should be continued, modified, or terminated to the governor, the lieutenant governor, and the standing committees of the senate and house of representatives having primary jurisdiction over Medicaid.

(f)  The pilot program terminates and this section expires September 1, 2029.

SECTION 2.  As soon as practicable after the effective date of this Act, the Health and Human Services Commission shall adopt rules necessary to implement Section 531.0997, Government Code, as added by this Act.

SECTION 3.  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 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.