

1-1 By: Price, Ashby, Noble (Senate Sponsor - Sparks) H.B. No. 4169  
 1-2 (In the Senate - Received from the House May 10, 2023;  
 1-3 May 11, 2023, read first time and referred to Committee on Health &  
 1-4 Human Services; May 21, 2023, reported favorably by the following  
 1-5 vote: Yeas 9, Nays 0; May 21, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to providing prevocational or similar services under  
 1-20 certain Medicaid waiver programs.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,  
 1-23 is amended by adding Section 32.0755 to read as follows:

1-24 Sec. 32.0755. PREVOCATIONAL SERVICES UNDER CERTAIN WAIVER  
 1-25 PROGRAMS. (a) In this section, "prevocational services" means  
 1-26 services that are designed to prepare an individual for paid or  
 1-27 unpaid work and achieve a generalized result rather than being  
 1-28 job-task oriented.

1-29 (b) Prevocational services provided under the community  
 1-30 living assistance and support services (CLASS) waiver program or  
 1-31 another medical assistance waiver program providing long-term  
 1-32 services or supports to a medical assistance recipient must be  
 1-33 designed to assist the recipient in achieving permanent integrated  
 1-34 employment receiving compensation at or above the minimum wage in  
 1-35 the recipient's community and in accordance with state and federal  
 1-36 law.

1-37 (c) The commission shall seek a waiver or other necessary  
 1-38 authorization from the appropriate federal agency to include  
 1-39 prevocational services as part of the individualized skills and  
 1-40 socialization services delivered under a medical assistance waiver  
 1-41 program providing long-term services and supports.

1-42 (d) If the commission's request for a waiver or other  
 1-43 authorization under Subsection (c) is not granted, the commission  
 1-44 shall collaborate with relevant stakeholders and applicable  
 1-45 federal agencies to establish a service similar to prevocational  
 1-46 services in a manner that is authorized by federal law.

1-47 (e) If the commission is granted a waiver or other  
 1-48 authorization under Subsection (d):

1-49 (1) the reimbursement rate for the service the  
 1-50 commission establishes under that subsection may not exceed the  
 1-51 reimbursement rate for individualized skills and socialization  
 1-52 services; and

1-53 (2) if the service is combined with individualized  
 1-54 skills and socialization services, the commission shall ensure the  
 1-55 service may not exceed the total allowable hours or the total costs  
 1-56 for individualized skills and socialization services provided  
 1-57 under a service plan.

1-58 (f) The executive commissioner by rule shall establish  
 1-59 clearly stated, service-related performance standards applicable  
 1-60 to providers providing prevocational or similar services to  
 1-61 recipients under a medical assistance waiver program in accordance

2-1 with this section. The commission shall monitor the performance of  
2-2 each provider of prevocational or similar services under a medical  
2-3 assistance waiver program to ensure compliance with those  
2-4 standards.

2-5 SECTION 2. (a) As soon as practicable after the effective  
2-6 date of this Act, the Health and Human Services Commission shall  
2-7 apply for and actively pursue from the appropriate federal agency  
2-8 the waiver or other authorization required by Section 32.0755(c),  
2-9 Human Resources Code, as added by this Act. The commission may  
2-10 delay implementing other provisions of this Act until the waiver or  
2-11 other authorization applied for under that subsection is granted.

2-12 (b) If the waiver or other authorization under Section  
2-13 32.0755(c), Human Resources Code, as added by this Act, is not  
2-14 granted, the Health and Human Services Commission shall, not later  
2-15 than the 60th day after the date the waiver or other authorization  
2-16 is denied, apply for a waiver or other authorization under Section  
2-17 32.0755(d), Human Resources Code, as added by this Act.

2-18 SECTION 3. This Act takes effect immediately if it receives  
2-19 a vote of two-thirds of all the members elected to each house, as  
2-20 provided by Section 39, Article III, Texas Constitution. If this  
2-21 Act does not receive the vote necessary for immediate effect, this  
2-22 Act takes effect September 1, 2023.

2-23

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