

**House Bill 4169**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

(1) the reimbursement rate for the service the commission establishes under that subsection may not exceed the

SENATE VERSION (IE)

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(b) 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 should be designed to assist the recipient in achieving competitive integrated employment in the community receiving compensation at or above the minimum wage in the recipient's community and in accordance with state and federal law. [FA1]

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

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

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

(1) the reimbursement rate for the service the commission establishes under that subsection may not exceed the

CONFERENCE

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reimbursement rate for individualized skills and socialization services; and  
(2) if the service is combined with individualized skills and socialization services, the commission shall ensure the service may not exceed the total allowable hours or the total costs for individualized skills and socialization services provided under a service plan.  
(f) The executive commissioner by rule shall establish clearly stated, service-related performance standards applicable to providers providing prevocational or similar services to recipients under a medical assistance waiver program in accordance with this section. The commission shall monitor the performance of each provider of prevocational or similar services under a medical assistance waiver program to ensure compliance with those standards.

SECTION 2. (a) As soon as practicable after the effective date of this Act, the Health and Human Services Commission shall apply for and actively pursue from the appropriate federal agency the waiver or other authorization required by Section 32.0755(c), Human Resources Code, as added by this Act. The commission may delay implementing other provisions of this Act until the waiver or other authorization applied for under that subsection is granted.  
(b) If the waiver or other authorization under Section 32.0755(c), Human Resources Code, as added by this Act, is not granted, the Health and Human Services Commission shall, not later than the 60th day after the date the waiver or other authorization is denied, apply for a waiver or other authorization under Section 32.0755(d), Human Resources Code, as added by this Act.

SENATE VERSION (IE)

reimbursement rate for individualized skills and socialization services; and  
(2) if the service is combined with individualized skills and socialization services, the commission shall ensure the service may not exceed the total allowable hours or the total costs for individualized skills and socialization services provided under a service plan.  
(f) The executive commissioner by rule shall establish clearly stated, service-related performance standards applicable to providers providing prevocational or similar services to recipients under a medical assistance waiver program in accordance with this section. The commission shall monitor the performance of each provider of prevocational or similar services under a medical assistance waiver program to ensure compliance with those standards.

SECTION 2. Same as House version.

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SECTION 3. 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.

SENATE VERSION (IE)

SECTION 3. Same as House version.

CONFERENCE