

By: Y. Davis of Dallas

H.B. No. 4282

A BILL TO BE ENTITLED

AN ACT

relating to the provision of residential services under the Medicaid home and community-based services (HCS) waiver program.

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

SECTION 1. Subchapter G, Chapter 546, Government Code, as effective April 1, 2025, is amended by adding Section 546.0303 to read as follows:

Sec. 546.0303. PROVISION OF RESIDENTIAL SERVICES UNDER HOME AND COMMUNITY-BASED SERVICES (HCS) WAIVER PROGRAM. (a) In this section, "Medicaid residential facility" means a Medicaid provider that is a group home, host home, or similar congregate care setting operated under the commission's authority and that provides residential services to recipients under the home and community-based services (HCS) waiver program.

(b) A Medicaid residential facility may refuse to accept a recipient as a resident of the facility if:

(1) the facility has reached the facility's service capacity as identified in the commission's data system;

(2) the recipient has a history of or propensity for engaging in:

(A) severe emotional behavior that has resulted or may result in violence; or

(B) actions that could severely affect the health or safety of other facility residents; or

1 (3) the recipient is physically aggressive in a manner
2 that presents a danger to other facility residents or to facility
3 staff and has continuing episodes of that physical aggression that
4 are unresponsive to:

5 (A) medical or behavioral treatment; and

6 (B) redirection measures.

7 (c) Before a recipient who is medically fragile or has
8 serious bodily injuries is placed in a Medicaid residential
9 facility, the commission shall determine whether the facility has
10 the capacity and capability to provide the necessary care and
11 services to the recipient. In making the determination, the
12 commission shall consider the scope of services the facility may
13 provide in accordance with the facility's current license or other
14 authorization. The commission may not require the facility to make
15 any modifications that would enable the facility to serve the
16 recipient.

17 SECTION 2. If before implementing any provision of this Act
18 a state agency determines that a waiver or authorization from a
19 federal agency is necessary for the implementation of that
20 provision, the agency affected by the provision shall request the
21 waiver or authorization and may delay implementing that provision
22 until the waiver or authorization is granted.

23 SECTION 3. This Act takes effect September 1, 2025.