

BILL ANALYSIS

Senate Research Center
78R16456 CBH-D

C.S.S.B. 1862
By: Bivins
Finance
5/14/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

C.S.S.B. 1862 adds each facility owned by the Texas Department of Mental Health and Mental Retardation (TDMHMR) to the list of certain facilities for which a quality assurance fee is imposed. This bill also requires TDMHMR to pay certain fees and authorizes the Health and Human Services Commission to use money in the quality assurance fund, together with any federal money available to match that money, for certain purposes and under certain conditions.

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. (a) Amends Section 252.202(a), Health and Safety Code, to add each facility owned by the Texas Department of Mental Health and Mental Retardation (TDMHMR) to the list of certain facilities for which a quality assurance fee is imposed.

(b) Requires TDMHMR, not later than August 31, 2003, to pay for each facility owned by TDMHMR the quality assurance fee imposed by Section 252.202, Health and Safety Code, as amended by this section, for patient days occurring between two certain dates. Provides that TDMHMR is not required to pay that quality assurance fee as provided by this subsection if this section does not take effect before a certain date and, in that event, prohibits any appropriation made to TDMHMR for that purpose from being made available to TDMHMR for that purpose.

SECTION 2. Amends Section 252.203, Health and Safety Code, to delete text relating to the number of beds that are on hold on that day and that have been placed on hold for a period not to exceed three consecutive calendar day during which a patient is in a hospital from the formula used by a facility to determine the number of patient days for each calendar day. Deletes "home" as a modifier for "leave." Redesignates existing Subdivision (3) as (2). Makes a nonsubstantive change.

SECTION 3. Amends Section 252.204(b), Health and Safety Code, to require each facility to file a certain report with certain entities not later than the 20th, rather than 10th, day after the last day of the month.

SECTION 4. (a) Amends Sections 252.207(a) and (c), Health and Safety Code, as follows:

(a) Authorizes, rather than requires, the Health and Human Services Commission (HHSC), subject to legislative appropriation and state and federal law, to use money in the quality assurance fund, together with any federal money available to match that money, for certain purposes. Makes nonsubstantive changes.

(c) Requires HHSC, if money in the quality assurance fund is used to increase a reimbursement rate in the Medicaid program, to ensure that the reimbursement methodology used to set that rate, rather than the formula devised under Subsection (b), provides incentives to increase direct care staffing and direct care wages and benefits.

(b) Repealer: Section 252.207(b) (regarding reimbursement of facilities), Health and Safety Code.

SECTION 5. Provides that notwithstanding any other statute of this state, each health and human services agency, as defined by Section 531.001 (Definitions), Government Code, is authorized to reduce expenditures by taking certain actions.

SECTION 6. Authorizes a state agency to delay implementing a provision of this Act until a requested federal waiver or authorization necessary to implement that provision is granted and requires the affected agency to request a waiver of authorization if the agency determines it is necessary.

SECTION 7. Effective date: upon passage or September 1, 2003.