

## **BILL ANALYSIS**

Senate Research Center

S.B. 705  
By: Nelson  
Health & Human Services  
9/24/2009  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Section 1915(c) waiver programs allowed states to use Medicaid funds to pay for community-based care. The Texas Department of Aging and Disability Services (DADS) administers seven Section 1915(c) waiver programs. The Consolidated Waiver Program has operated as a pilot since 2002, but is no longer necessary with the expansion of the Medicaid managed care programs.

S.B. 705 amends current law relating to long-term care consumer information and Medicaid waiver programs.

### **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. Amends Subchapter D, Chapter 161, Human Resources Code, by adding Section 161.077, as follows:

Sec. 161.077. LONG-TERM CARE MEDICAID WAIVER PROGRAMS. (a) Defines "Section 1915(c) waiver program."

(b) Requires the Department of Aging and Disability Services (DADS), in consultation with the Health and Human Services Commission (HHSC), to streamline the administration of and delivery of services through Section 1915(c) waiver programs. Authorizes DADS, in implementing this subsection, subject to Subsection (c), to consider implementing certain streamlining initiatives.

(c) Requires DADS to ensure that actions taken under this section do not conflict with any requirements of HHSC under Section 531.0218 (Long-Term Care Medicaid Programs), Government Code.

SECTION 2. Amends Section 531.02191, Government Code, effective September 15, 2009, as follows:

Sec. 531.02191. PUBLIC INPUT. Requires HHSC, in complying with the requirements of Section 531.0218, rather than Sections 531.0218 and 531.0219 (Pilot Program Relating to Section 1915C Waiver Programs), to regularly consult with and obtain input from certain individuals, providers, groups, and other entities.

SECTION 3. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.0318, as follows:

Sec. 531.0318. LONG-TERM CARE CONSUMER INFORMATION MADE AVAILABLE THROUGH THE INTERNET. (a) Requires that the Internet site required under Section 531.0317 (Health and Human Services Information Made Available Through the Internet) include information for consumers concerning long-term care services that complies with this section. Requires that the Internet site maintained by DADS also include, or provide a link to, the information required by this section.

(b) Requires that the information for consumers required by this section meet certain requirements.

(c) Requires HHSC or DADS, on request by a consumer without Internet access, to provide the consumer with a printed copy of the information from the website. Requires HHSC or DADS to charge a reasonable fee for printing the information.

SECTION 4. (a) Repealer, effective September 15, 2009: Section 531.0219, Government Code.

(b) Provides that, subject to Section 7 of this Act:

(1) effective September 15, 2009, the consolidated waiver program under Section 531.0219, Government Code, is abolished; and

(2) requires DADS, with the assistance of HHSC, to:

(A) before September 14, 2009, determine in which other Section 1915(c) waiver programs, as defined by Section 531.001 (Definitions), Government Code, each person receiving services through the consolidated waiver program is eligible for enrollment; and

(B) not later than September 14, 2009, transfer the person's enrollment without any break in service from the consolidated waiver program to an appropriate program described by Paragraph A of this subdivision for which the person is eligible.

(c) Prohibits a person described by Subsection (b) of this section from being placed on an interest list or any other waiting list for a Section 1915(c) waiver program instead of being enrolled in a program as required by Paragraph (B), Subdivision (2), Subsection (b), of this section.

SECTION 5. (a) Requires HHSC, not later than January 1, 2010, to make the information required by Section 531.0318, Government Code, as added by this Act, available through the Internet.

(b) Requires HHSC, in developing the information required to be made available under this Act, to incorporate long-term care provider quality information reported through DADS' Internet site, as well as other appropriate available information concerning the quality of services provided through the long-term care service delivery programs operated by DADS.

SECTION 6. Requires DADS, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes delay of implementation until such waivers or authorizations are granted.

SECTION 7. Authorizes an agency, if before implementing any provision of this Act a state agency determines that the implementation of a provision could result in a reduction or elimination of federal funding, to delay implementing that provision, including by continuing to operate the consolidated waiver program otherwise eliminated by this Act, until the agency is notified by the federal government that the implementation will not result in a reduction or elimination of federal funding.

SECTION 8. Effective date: upon passage or September 1, 2009.