

## BILL ANALYSIS

Senate Research Center  
81R3290 KLA-D

S.B. 705  
By: Nelson  
Health & Human Services  
3/10/2009  
As Filed

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

Medicaid's 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.

As proposed, S.B. 705 directs DADS to coordinate with the Health and Human Services Commission to streamline the administration and delivery of the Medicaid 1915(c) waiver programs, eliminates the pilot program, and requires clients to be transferred into other existing programs without a break in service. The bill prohibits such clients from being placed on an interest list or waiting list in lieu of being enrolled in a program.

### 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 government 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. (a) Repealer, effective September 15, 2009: Section 531.0219, Government Code.

(b) Provides that effective September 15, 2009, the consolidated waiver program under Section 531.0219, Government Code, is abolished. Requires DADS, with the assistance of HHSC, to:

(1) 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

(2) 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 Subdivision (1) of this subsection 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 Subsection (b)(2) of this section.

SECTION 4. 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 5. Effective date: upon passage or September 1, 2009.