

SUBJECT: Establishing a fee schedule for state supported living center services

COMMITTEE: Human Services — committee substitute recommended

VOTE: 7 ayes — Raymond, Frank, Keough, Miller, Minjarez, Rose, Wu

2 nays — Klick, Swanson

WITNESSES: For — Susan Payne, PART; Harrison Hiner, Texas State Employees Union; David Perkins; Nona Rogers; (*Registered, but did not testify*: Beverly Barrington, Austin SSLC Family/Guardian Association; Tom Kidd)

Against — (*Registered, but did not testify*: Susan Murphree, Disability Rights Texas)

On — Scott Schalchlin, Department of Aging and Disability Services; Kyle Piccola, The Arc of Texas

BACKGROUND: Human Resources Code, sec. 161.080(b) allows a state supported living center (SSLC) to provide nonresidential services to support an individual if:

- the individual receives services in a program funded by the Department of Aging and Disability Services, meets the eligibility criteria for the intermediate care facility for persons with an intellectual disability program, and resides in the same area where the SSLC is located; and
- the provision of services to the individual does not interfere with the provision of services to an SSLC resident.

Some have suggested that existing requirements limit access to nonresidential services provided by an SSLC and that removing them would benefit those with an intellectual or developmental disability by expanding treatment options for those who do not reside at the SSLC.

DIGEST: CSHB 3409 would remove certain conditions that an individual must meet to receive nonresidential services provided by a state supported living center (SSLC). An individual no longer would have to receive services in a program funded by the Department of Aging and Disability Services, meet eligibility criteria for the intermediate care facility for persons with an intellectual disability program, or reside in the same area where the SSLC was located.

The bill would require the Health and Human Services Commission (HHSC) executive commissioner to establish by rule:

- a list of services an SSLC could provide under a contract with a person that provides services to individuals with developmental disabilities; and
- procedures for HHSC to create, maintain, and amend as needed a schedule of fees that an SSLC could charge for the center's services.

For the schedule of fees, HHSC would have to use the reimbursement rate for the applicable service under Medicaid. The bill would allow HHSC to change its reimbursement rate if it held a public hearing on the proposed rate change and provided a written justification for the change. The bill would allow an SSLC, based on negotiations between the SSLC and a Medicaid managed care organization, to charge a fee for a service other than the fee provided by HHSC's schedule of fees.

The HHSC executive commissioner would adopt rules for the SSLC services and schedule of fees by September 1, 2018.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

NOTES: A companion bill, SB 547 by Kolkhorst, was approved by the Senate on April 26 and referred to the House Human Services Committee.