

BILL ANALYSIS

C.S.H.B. 3409
By: Lambert
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have expressed a need for state supported living centers to provide certain services in the community and have recommended that a fee schedule for the provision of such services be established. C.S.H.B. 3409 seeks to provide for the establishment of a schedule of support services that a state supported living center may provide and procedures for establishing applicable fees for those services.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3409 amends the Human Resources Code to remove as conditions on the authority of a state supported living center to provide nonresidential services to support an individual the conditions that the individual is receiving 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 area in which the state supported living center is located. The bill requires the executive commissioner of the Health and Human Services Commission (HHSC) by rule to establish a list of services a state supported living center may provide under a contract with a person that provides services to individuals with developmental disabilities for the center to provide services and resources to support those individuals and to establish procedures for HHSC to create, maintain, and amend as needed a schedule of fees that a state supported living center may charge for a service included in the list. The bill requires HHSC, in creating a schedule of fees, to use the reimbursement rate for the applicable service under the Medicaid program or modify that rate with a written justification for the modification and after holding a public hearing on the issue of the modification. The bill authorizes a state supported living center, based on negotiations between the center and a managed care organization, to charge a fee for a service other than the fee provided by the schedule of fees created by HHSC under the bill's provisions. The bill requires the executive director of HHSC, not later than September 1, 2018, to adopt the rules listing services a state supported living center may provide under such a contract and the procedures for HHSC to create the schedule of fees for those services.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3409 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 161.080, Human Resources Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) The executive commissioner by rule shall establish:

(1) a list of services a state supported living center may provide under a contract described by Subsection (a); and

(2) procedures for the commission to create, maintain, and amend as needed a schedule of fees that a state supported living center may charge for a service included in the list described by Subdivision (1).

(d) In creating a schedule of fees, the commission shall:

(1) use the reimbursement rate for the applicable service under the Medicaid program; or

(2) modify that rate with a written justification for the modification and after holding a public hearing on the issue of the modification.

(e) Notwithstanding Subsection (c), a state supported living center, based on negotiations between the center and a managed care organization, as defined by Section 533.001, Government Code, may charge a fee for a service other than the fee provided by the schedule of fees created by

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 161.080, Human Resources Code, is amended by amending Subsection (b) and adding Subsections (c), (d), and (e) to read as follows:

(b) Notwithstanding any other law, a state supported living center may provide nonresidential services to support an individual if[~~;~~

~~[(1) the individual:~~

~~[(A) is receiving services in a program funded by the department;~~

~~[(B) meets the eligibility criteria for the intermediate care facility for persons with an intellectual disability program; and~~

~~[(C) resides in the area in which the state supported living center is located; and~~

~~[(2)] the provision of services to the individual does not interfere with the provision of services to a resident of the state supported living center.~~

(c) The executive commissioner by rule shall establish:

(1) a list of services a state supported living center may provide under a contract described by Subsection (a); and

(2) procedures for the commission to create, maintain, and amend as needed a schedule of fees that a state supported living center may charge for a service included in the list described by Subdivision (1).

(d) In creating a schedule of fees, the commission shall:

(1) use the reimbursement rate for the applicable service under the Medicaid program; or

(2) modify that rate with a written justification for the modification and after holding a public hearing on the issue of the modification.

(e) Notwithstanding Subsection (c), a state supported living center, based on negotiations between the center and a managed care organization, as defined by Section 533.001, Government Code, may charge a fee for a service other than the fee provided by the schedule of fees created by

the commission under this section.

SECTION 2. Not later than September 1, 2018, the executive commissioner of the Health and Human Services Commission shall adopt the rules listing services a state supported living center may provide under a contract and the procedures for the commission to create the schedule of fees for those services, as required by Section 161.080, Human Resources Code, as amended by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

the commission under this section.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.