

BILL ANALYSIS

C.S.H.B. 1585
By: González, Mary
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Recent reports indicate that a lack of adequate health care funding has increased the length of waiting lists for Medicaid waivers to individuals with certain intellectual and developmental disabilities. In Texas, these waiting lists can contain thousands of patients while wait times can average from a few years to over a decade, leaving some Texans with serious disabilities without vital services for indefinite periods of time. C.S.H.B. 1585 seeks to address this issue by requiring the Health and Human Services Commission to examine waiting lists maintained for Medicaid programs that provide services to persons with intellectual and developmental disabilities.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1585 requires the Health and Human Services Commission (HHSC), in consultation and collaboration with the Intellectual and Developmental Disability System Redesign Advisory Committee, to conduct a study examining the interest or other waiting lists maintained for the following Medicaid programs that provide services to persons with an intellectual or developmental disability:

- the community living assistance and support services (CLASS) waiver program;
- the home and community-based services (HCS) waiver program;
- the deaf-blind with multiple disabilities (DBMD) waiver program;
- the Texas home living (TxHmL) waiver program;
- the medically dependent children (MDCP) waiver program; and
- the STAR+PLUS home and community-based services (HCBS) program.

C.S.H.B. 1585 requires HHSC, in conducting the study, to consider and analyze the following for each of those Medicaid programs:

- the experiences of other states in reducing or eliminating interest or other waiting lists, including through the range of services available to persons with an intellectual or developmental disability in each state;

- factors affecting the historical experience of each Medicaid program and the program's interest or waiting list during the five most recent state fiscal biennia, including:
 - the amount of appropriated money allocated to each program during each state fiscal year; and
 - significant policy changes impacting each program and the program's interest or other waiting list;
- existing data relating to persons on an interest or other waiting list, including demographic data and data relating to each person's living arrangement, service preferences, length of time on the list, and unmet support needs; and
- the urgency of the need for services of persons on an interest or other waiting list at any given time, including the extent to which the list is comprised of persons who:
 - join the list before becoming eligible for services under the associated Medicaid program; or
 - were eligible for services under the associated Medicaid program at the time of joining the list but who are no longer eligible for services under the program.

C.S.H.B. 1585 requires HHSC, in conducting the study, to identify the following for each of those Medicaid programs:

- additional strategies that HHSC could employ to eliminate the interest or other waiting lists in a manner that results in the provision of person-centered services in the most integrated setting, including strategies employed by other states and strategies through which Texas could receive additional federal funding, and the estimated costs of implementing those strategies; and
- a date by which HHSC believes it could eliminate the interest or other waiting lists if the identified strategies were implemented.

C.S.H.B. 1585 requires HHSC to submit to the legislature not later than September 1, 2020, a written report containing the findings of the study and HHSC recommendations for improving service delivery and reducing interest and other waiting lists for the described Medicaid programs, including recommendations for potential legislation, and a methodology that HHSC should implement that would prioritize persons on a list who have more urgent needs for program services.

C.S.H.B. 1585 requires HHSC, based on its findings of the study, to update its statewide strategic plan on the intellectual and developmental disabilities system in Texas that was developed in relation to the required statewide behavioral health strategic plan, including updating related short-term and long-term goals, objectives, and strategies to address identified gaps in services for persons with an intellectual or developmental disability, timelines for implementation of the plan, and mechanisms for tracking plan outcomes. The bill's provisions expire September 1, 2023.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1585 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute expands the matters HHSC is required to consider and analyze in conducting the study but does not include the requirement for HHSC to consider and analyze the effect

implementation of a managed care delivery system under Medicaid had on the interest or other waiting lists.

The substitute includes the following:

- a requirement that HHSC conduct the study in consultation and collaboration with the Intellectual and Developmental Disability System Redesign Advisory Committee;
- a provision adding the MDCP waiver program and the STAR+PLUS HCBS program to the Medicaid programs included in the study;
- a specification for the manner in which HHSC could employ the additional strategies to eliminate interest or other waiting lists;
- a provision requiring the identification of the estimated costs of implementing the additional strategies;
- specific HHSC recommendations, beyond recommendation for potential legislation, that must be in the report submitted to the legislature;
- a requirement that HHSC update its statewide strategic plan on the intellectual and developmental disabilities system in Texas based on its findings of the study; and
- an expiration date for the bill's provisions.