

SUBJECT: Requiring list of services and fee schedule for services offered by SSLCs

COMMITTEE: Human Services — favorable, without amendment

VOTE: 5 ayes — Raymond, Miller, Minjarez, Rose, Wu

2 nays — Klick, Swanson

2 absent — Frank, Keough

SENATE VOTE: On final passage, April 26 — 30-1 (Zaffirini), on Local and Uncontested Calendar

WITNESSES: *On House companion bill, HB 3409:*

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

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.

DIGEST: SB 547 would remove certain requirements for nonresidents to receive services from state supported living centers (SSLCs). To qualify, individuals no longer would need to be receiving services in a program funded by the department, meet the eligibility criteria for the intermediate care facility for persons with an intellectual disability program, or reside in the area where the SSLC is located.

The bill would require the executive commissioner of the Health and Human Services Commission (HHSC) to establish a list of services that an SSLC could offer to support individuals with developmental disabilities under certain contracts. The executive commissioner also would have to establish procedures for the commission to create, maintain, and amend, as needed, a schedule of fees that an SSLC could charge for these services.

In creating the fee schedule, HHSC would be required 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. Based on negotiations with a managed care organization, a state supported living center could charge a fee for a service other than the fee provided by the commission's fee schedule.

The HHSC executive commissioner would be required to adopt rules listing the services an SSLC could provide under a contract and the procedures for creating the fee schedule by September 1, 2018.

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

SUPPORTERS SAY: SB 547 would remove existing requirements that limit access to nonresidential services provided by State Supported Living Centers (SSLCs) and require the Health and Human Services Commission to set a fee schedule for services that could be provided to individuals in the

community. This would benefit individuals with an intellectual or developmental disability by expanding treatment options for those who do not reside at the SSLC. Current law ensures that the provision of services to nonresidents does not interfere with services to an SSLC's residents.

Individuals with disabilities would not be forced to seek services at SSLCs. Services provided by these centers could be used to address gaps in community-based services.

OPPONENTS SAY: Expanding SSLC services to nonresidents could detract from the access to and quality of care for residents. The bill also could create unfair competition between taxpayer-funded SSLCs and private sector providers.

NOTES: A companion bill, HB 3409 by Lambert, was reported favorably by the House Human Services Committee on April 27 and placed on the House General State Calendar for May 8.