

SUBJECT: Including prevocational services under certain Medicaid services

COMMITTEE: Human Services — committee substitute recommended

VOTE: 8 ayes — Frank, Rose, Campos, Hull, Klick, Manuel, Noble, Ramos
0 nays
1 absent — Shaheen

WITNESSES: For — Carla Hughes, Richard Thorne, Advo Companies, Inc.; Carole Smith, Private Providers Association of Texas; Sandy Batton, Providers Alliance for Community Services of Texas (*Registered, but did not testify*; Jacquie Benestante, Autism Society of Texas; Christine Yanas, Methodist Healthcare Ministries; Isabel Casas, Texas Council of Community Centers; Ashley Harris, United Ways of Texas)

Against — Jeff Miller, Disability Rights Texas

On — Emily Zalkovsky, Health & Human Services Commission; Rebecca Galinsky, Protect TX Fragile Kids; Lauren Gerken, Texas Council for Developmental Disabilities

BACKGROUND: Concerns have been raised that recent changes to certain Medicaid waiver program services prohibit billing for prevocational services for which the individual receiving services could be paid.

DIGEST: CSHB 4169 would require the Health and Human Services Commission (HHSC) to seek a waiver or other necessary authorization from the federal government to include prevocational services as part of the individualized skills and socialization services delivered under a Medicaid waiver program providing long-term services and supports. “Prevocational services” would mean services designed to prepare an individual for paid or unpaid work and achieve a generalized result rather than being job-task oriented.

Prevocational services provided under the Community Living Assistance and Support Services waiver program or another Medicaid waiver program providing long-term services and support would have to be designed to assist the recipient in achieving permanent integrated employment receiving compensation at or above the minimum wage in the recipient's community and in accordance with state and federal law.

If the waiver or other authorization was not granted, HHSC would have to collaborate with relevant stakeholders and federal agencies to establish a service similar to prevocational services in a manner authorized by federal law. If a waiver or other authorization was granted for this kind of service, the reimbursement rate for the service could not exceed the reimbursement rate for individualized skills and socialization services. If the similar service was combined with individualized skills and socialization services, HHSC would ensure that the service could not exceed the total allowable hours or the total costs for individualized skills and socialization services provided under a service plan.

As soon as practicable after the effective date, HHSC would be required to apply for a waiver or other authorization regarding prevocational services from the appropriate federal agency. HHSC could delay implementing provisions of the bill until the waiver or other authorization was granted. If the waiver or other authorization was not granted, HHSC would be required to apply for a waiver or other authorization for a similar service within 60 days after the first waiver was denied.

The 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, 2023.

NOTES:

According to the Legislative Budget Board, the bill's fiscal implications cannot be determined because of the uncertainty in required federal approval and the impact it would have on implementation.