

BILL ANALYSIS

Senate Research Center

S.B. 1763
By: Moncrief
Health & Human Services
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As Filed

DIGEST

Currently, the Texas Department of Human Services is prohibited from contracting for additional Medicaid beds in nursing facilities unless the number of occupied Medicaid beds in a geographic area falls below a certain percentage of the total number of beds. This often means that facilities which do not have any Medicaid beds cannot obtain any so long as facilities which do have Medicaid beds ensure that the occupancy rate does not drop under the specified percentage. This has the practical effect of limiting the facilities Medicaid recipients can choose and insulating Medicaid beds from meaningful competition. This bill will authorize the department to contract for Medicaid-certified beds in nursing facilities if certain conditions are met.

PURPOSE

As proposed, S.B. 1763 authorizes the Texas Department of Human Services to contract for Medicaid-certified beds in nursing facilities if certain conditions are met.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Department of Human Services in SECTION 2 (Section 32.0247, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 32B, Human Resources Code, by adding Section 32.0246, as follows:

Sec. 32.0246. WAIVER OF RESTRICTIONS ON CONTRACTING FOR CERTIFIED NURSING FACILITY BEDS. Authorizes the Texas Department of Human Services (department) to waive any restriction imposed by state law on the authority to contract for Medicaid beds in a facility, regardless of the percentage of Medicaid beds occupied in a geographic area, if certain conditions are met. Requires the department to waive any restrictions imposed by state law on the authority to contract for Medicaid beds occupied in a geographic area if certain conditions are met.

SECTION 2. Amends Chapter 32B, Human Resources Code, by adding Section 32.0247, as follows:

Sec. 32.0247. RELEASE OF UNOCCUPIED MEDICAID CERTIFIED NURSING FACILITY BEDS. Requires the department, by rule, to establish procedures to make Medicaid-certified beds which remain unoccupied in a facility for more than 30 consecutive days available for contracts with other facilities.

SECTION 3. Requires the department to adopt rules necessary to implement this Act no later than October 1, 1997.

SECTION 4. Emergency clause.
Effective date: 90 days after adjournment.