

BILL ANALYSIS

Senate Research Center
76R9541 CLG-D

H.B. 2148
By: Maxey (Moncrief)
Human Services
5/10/1999
Engrossed

DIGEST

Currently, under federal law, states are allowed to apply for waivers of certain Medicaid requirements, including Section 1915(c) waiver programs, which allow states to provide home and community based services to individuals who qualify for care in an institution. Texas operates eight Section 1915(c) waivers. This bill would require the Health and Human Services Commission to make uniform the functions relating to the administration and delivery of Section 1915(c) waiver programs, and further require the commission to develop and implement a pilot program to assess the advisability of consolidating the Section 1915(c) waiver program.

PURPOSE

As proposed, H.B. 2148 sets forth guidelines for the functions of a Section 1915(c) waiver program.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Health and Human Services Commission in SECTION 2 (Section 531.0219(a), Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 531.001, Government Code, by adding Subdivision (6), to define “Section 1915(c) waiver program.”

SECTION 2. Amends Chapter 531B, Government Code, by adding Sections 531.0218, 531.0219, 531.02191, as follows:

Sec. 531.0218. LONG-TERM CARE MEDICAID PROGRAMS. Requires the Health and Human Services Commission (commission) to make uniform the functions relating to the administration and delivery of Section 1915(c) waiver programs (waiver program) , including: rate-setting; the applicability and use of service definitions; quality assurance; and intake data elements. Provides that Subsection (a) does not apply to functions of a waiver program that are operated in conjunction with a federally funded Medicaid program of the state authorized under the federal Social Security Act (42 U.S.C. Section 1396n(b)). Requires the commission to ensure that the information on individuals seeking to obtain services from waiver programs is maintained on a single computerized database that is accessible to staff of each of the state agencies administering those programs.

Sec. 531.0219. PILOT PROGRAM RELATING TO SECTION 1915(C) WAIVER PROGRAMS. Requires the commission, by rule, to develop and implement a pilot program to assess the advisability of consolidating the waiver program. Requires the waiver program to be limited to a specific geographic area and serve the individuals not currently receiving services under a waiver program. Requires the commission to submit a report to the legislature evaluating the effectiveness of serving, in a single program, individuals eligible for a waiver program, not later than January 1, 2004.

Sec. 531.02191. PUBLIC INPUT. Requires the commission to consult and obtain input from certain persons and agencies, in complying with the requirements of Sections 531.0218 and 531.0219.

SECTION 3. Requires a state agency to request a waiver or authorization from a federal agency, if

determined to be needed for the implementation of this Act, and is authorized to delay implementation until such a request is granted. Provides that the requirement of Section 531.0219, Government Code, is contingent on the state receiving any necessary approval from a federal agency.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.