

## **BILL ANALYSIS**

Senate Research Center  
77R7480 KKA-D

S.B. 1523  
By: Lucio  
Health & Human Services  
4/17/2001  
As Filed

### **DIGEST AND PURPOSE**

The Texas Legislature previously authorized the Department of Human Services to establish procedures for the certification and decertification of Medicaid nursing facility beds; procedures have since been established and written into code. As proposed, S.B. 1523 approves the procedures already established, including amendments to those procedures, and ratifies waivers. It also adds the stipulation that the department encourage nursing facility competition in its consideration of certification and decertification of beds.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Health and Human Services Commission or an agency operating part of the medical assistance program, as appropriate, in SECTION 1 (Section 32.0213, Human Resources Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 32.0213, Human Resources Code, to authorize the Health and Human Services Commission or an agency operating part of the medical assistance program, as appropriate (department), to establish and modify the procedures regarding nursing facility beds through negotiated rulemaking. Requires the procedures established under this section to encourage nursing facility competition for Medicaid beds.

SECTION 2. (a) Provides that the legislature approves the procedures established through negotiated rulemaking by the department in compliance with Section 32.0213, Human Resources Code, including any amendments to those procedures with an effective date before April 1, 2001.

(b) Provides that the legislature ratifies any waiver issued by the commissioner of human services on or after September 1, 1997, and before April 1, 2001, to a nursing facility relating to the number of certified Medicaid beds at the facility, provided that the facility complies with all applicable requirements for licensure and certification.

SECTION 3. Effective date: upon passage or September 1, 2001.