

## **BILL ANALYSIS**

Senate Research Center  
78R10979 KLA-D

C.S.S.B. 1742  
By: Zaffirini  
Finance  
5/5/2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

The 77th Texas Legislature authorized the Texas Department of Human Services (TDHS) to transfer funds from nursing facilities to community-based programs to serve individuals leaving a nursing facility to live in the community. However, the legislation only allowed for the transfer of funds within TDHS's budget. C.S.S.B. 1742 requires TDHS to quantify the amount appropriated for the biennium to serve an individual in a nursing facility, but who is leaving the facility before the end of the biennium to live in the community with the assistance of community-based services provided by any health and human services agency. This bill also requires TDHS to transfer funds quantified from the nursing facilities to community waiver programs within TDHS's budget, or to other health and human services agencies, as needed to provide services to an individual who leaves a facility to live in the community with the assistance of community-based services.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 22, Human Resources Code, by adding Section 22.006, as follows:

Sec. 22.006. TRANSFER OF MONEY FOR COMMUNITY-BASED SERVICES. (a) Defines "health and human services agencies."

(b) Requires the Texas Department of Human Services (TDHS) to take certain actions, for each person who lives in a nursing facility but who is leaving that facility to live in the community with the assistance of community-based services provided by TDHS.

(c) Requires TDHS to take certain actions, for each person who lives in a nursing facility but who is leaving that facility to live in the community with the assistance of community-based services provided by a health and human services agency other than TDHS

(d) Requires TDHS or another health and human services agency to which money is transferred under this section to ensure that the amount transferred under Subsection (b)(2) or (c)(2), as applicable, is redirected to one or more community-based programs to provide community-based services to the person after the person leaves the nursing facility.

SECTION 2. Authorizes a state agency to delay implementing a provision of this Act until a requested federal waiver or authorization necessary to implement that provision is granted.

SECTION 3. Effective date: September 1, 2003.