

BILL ANALYSIS

Senate Research Center

H.B. 2873
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Human Services
5/12/1999
Committee Report (Amended)

DIGEST

Currently, many Texas children with disabilities require long-term care. Texas has developed and provided Medicaid waivers for those children who would otherwise be forced to enter an institution. The waivers allow individuals with significant support needs to obtain comprehensive services in their communities, including the families of children younger than 23 years of age with disabilities or special health care needs who require a flexible service array to ensure that basic needs for safety, security, and stability are met. These waivers may need to be modified to ensure that services are structured and provided in a manner supportive of families. This bill would require the Health and Human Services Commission or an agency operating part of the medical assistance program, as appropriate, in developing and providing services subject to this section, to adopt a specific protocol in the identification of children with disabilities or special needs and methods of providing support services to children and their families.

PURPOSE

As proposed, H.B. 2873 sets forth the operation of certain Medicaid waiver programs for children with disabilities or special health care needs.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 32B, Human Resources Code, by adding Section 32.052, as follows:

Sec. 32.052. WAIVER PROGRAMS FOR CHILDREN WITH DISABILITIES OR SPECIAL HEALTH CARE NEEDS. (a) Provides that this section applies to services under the medical assistance program (program) provided to children younger than 23 years of age with disabilities or special health care needs under a waiver granted under 42 U.S.C. Section 1396n(c).

(b) Defines “permanency planning.”

(c) Requires the Health and Human Services Commission (commission) or an agency operating part of the program (department), as appropriate, to perform certain actions under the program in developing and providing services subject to this section.

(d) Requires the department to coordinate the provision of services subject to this section with services provided under the Texas Health Steps Comprehensive Care Program to ensure that the services are cost neutral and that they are not duplicated within the program.

(e) Requires the commission to establish an advisory committee (committee) to provide recommendations on the delivery of services subject to this section to the commission and each appropriate agency providing those services. Requires the committee to meet regularly and include representatives of certain constituencies. Requires the committee to provide recommendations on certain areas.

(f) Entitles a member of the committee who is the parent of a child receiving services subject to this section to reimbursement of travel expenses incurred while conducting committee business in a manner provided by the General Appropriations Act.

SECTION 2. Requires a state agency to request a waiver or authorization and authorizes it to delay implementing a provision until the waiver or authorization is granted, should the agency determine that a waiver or authorization from a federal agency is necessary before implementing any provision of this Act.

SECTION 3. Emergency clause.
Effective date: upon passage.