

## **BILL ANALYSIS**

Senate Research Center  
77R541 CBH-D

S.B. 33  
By: Zaffirini  
Health & Human Services  
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As Filed

### **DIGEST AND PURPOSE**

Currently, home health care services and prescription drug coverage for frail elderly people is lacking in Texas. S.B. 33 requires the Department of Human Services to provide coverage for three prescription medications each month for a recipient of services under the Frail Elderly Program; provide for a presumptive eligibility certification to cover the gap in home health care services while a person awaits Medicaid eligibility confirmation; and permit a registered nurse to delegate to an unlicensed attendant the performance of appropriate nursing tasks under the nurse's supervision.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Health and Human Services Commission or an agency operating part of the medical assistance program in SECTION 2 (Section 32.026, Human Resources Code), and SECTION 3 (Section 32.053, Human Resources Code) of this bill. Rulemaking authority is expressly granted to the Board of Nurse Examiners in SECTION 3 (Section 32.053, Human Resources Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 32.024, Human Resources Code, to add Subsection (x), as follows:

(x) Requires the Health and Human Services Commission or the agency operating part of the medical assistance program (the department) to provide coverage for three prescribed medications each month for a recipient of services under the frail elderly program.

SECTION 2. Amends Section 32.026, Human Resources Code, to add Subsection (d) as follows:

(d) Requires the department by rule to provide for the determination and certification of presumptive eligibility for a person who appears to meet the financial and other program eligibility criteria for the receipt of services under the primary home care program or community-based alternatives program.

SECTION 3. Amends Chapter 32B, Human Resources Code, to add Section 32.053 as follows:

Sec. 32.053. DELEGATION BY REGISTERED NURSE UNDER PRIMARY HOME CARE PROGRAM. Requires the department, in its rules governing the primary home care program, to permit a registered nurse to delegate to an unlicensed attendant the performance of appropriate nursing tasks under the nurse's supervision in accordance with rules adopted by the Board of Nurse Examiners.

SECTION 4. Requires a state agency, if before implementing any provision of this Act it determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, to request the waiver or authorization and authorizes delaying implementation of that provision until the waiver or authorization is granted.

SECTION 5. Effective date: September 1, 2001.

Makes application of this Act prospective.