

BILL ANALYSIS

Senate Research Center
86R29186 JG-D

C.S.S.B. 1818
By: Zaffirini
Health & Human Services
4/23/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law provides that competitive, integrated employment must be the first and preferred option for Texans with disabilities receiving state benefits. In Texas, approximately three percent of waiver recipients utilize the employment services available, while approximately 60 percent are enrolled in day services that are not employment. What's more, more than 80 percent of persons with disabilities are unemployed, a rate that increases for persons with intellectual and developmental disabilities, specifically. Many do not know what employment supports are available to them, while others experience life changes that necessitate new or additional supports.

S.B. 1818 would direct the executive commissioner of the Health and Human Services Commission (HHSC) to develop a process for evaluating the opportunities and services available to persons with disabilities enrolled in any of Texas's Medicaid waiver programs and tailoring their person-directed plan as needed. This would ensure persons with disabilities receive the support necessary to find competitive, integrated employment in compliance with the Employment First law and federal Home Community-Based Services (HCBS) Final Rules. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1818 amends current law relating to a competitive and integrated employment initiative for certain Medicaid recipients.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 531.02448, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.02448, as follows:

Sec. 531.02448. COMPETITIVE AND INTEGRATED EMPLOYMENT INITIATIVE FOR CERTAIN MEDICAID RECIPIENTS. (a) Provides that this section applies to an individual receiving services under any of the following waiver programs established under Section 1915(c), Social Security Act (42 U.S.C. Section 1396n(c)):

- (1) the home and community-based services (HCS) waiver program;
- (2) the Texas home living (TxHmL) waiver program;
- (3) the deaf-blind with multiple disabilities (DBMD) waiver program;
- (4) the community living assistance and support services (CLASS) waiver program; and
- (5) the STAR+PLUS home and community-based services (HCBS) waiver program.

(b) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) by rule to develop a process that complies with the policy adopted under Section 531.02447 (Employment-First Policy) to:

(1) assess the goals of and competitive and integrated employment opportunities and related employment services available to an individual to whom this section applies; and

(2) use the identified goals and available opportunities and services to direct the individual's plan of care at the time the plan is developed or renewed.

(c) Requires the entity responsible for the development and renewal of the plan of care for an individual to whom this section applies to use the process the executive commissioner develops to assess the individual's goals, opportunities, and services described by Subsection (b) and incorporate those goals, opportunities, and services into the plan of care.

(d) Requires the executive commissioner by rule to:

(1) establish performance measures for the employment of individuals to whom this section applies and who are seeking competitive and integrated employment;

(2) identify strategies to increase the number of individuals who are receiving employment services from the Texas Workforce Commission (TWC) or through the waiver program in which an individual is enrolled;

(3) determine a reasonable number of individuals who indicate a desire to work to receive employment services and ensure those individuals:

(A) have received employment services during the state fiscal biennium ending August 31, 2021, or during the period beginning September 1, 2021, and ending December 31, 2021, from TWC or through the waiver program in which an individual is enrolled; or

(B) are receiving employment services on December 31, 2021, from TWC or through the waiver program in which an individual is enrolled; and

(4) ensure that each individual who indicates a desire to work is referred to receive employment services from TWC or through the waiver program in which the individual is enrolled.

(e) Requires the executive commissioner, not later than December 31 of each even-numbered year, to prepare and submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the legislature a written report that outlines:

(1) the number of individuals to whom this section applies who are receiving employment services in accordance with rules adopted under this section;

(2) whether the employment services described by Subdivision (1) are provided by TWC, through the waiver program in which an individual is enrolled, or both; and

(3) the number of individuals to whom this section applies who have obtained competitive and integrated employment, categorized by waiver program and, if applicable, the individual's level of care.

SECTION 2. Requires the executive commissioner to adopt rules as necessary to implement Section 531.02448, Government Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 3. Requires the executive commissioner, notwithstanding Section 531.02448(e), Government Code, as added by this Act, to submit the first report required by that section not later than December 31, 2022.

SECTION 4. Provides that HHSC is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, HHSC, if the legislature does not appropriate money specifically for that purpose, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 5. Effective date: September 1, 2019.