

By: Klick

H.B. No. 2454

A BILL TO BE ENTITLED

AN ACT

relating to the provision of a nursing facility quality-based payment incentives program and a program to increase direct care staff and wages under Medicaid.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 32.028(g) and (i), Human Resources Code, are amended to read as follows:

(g) Subject to Subsection (i), the executive commissioner shall ensure that the rules governing the determination of rates paid for nursing facility services improve the quality of care by:

(1) providing a program offering nursing facility quality-based payment incentives and a program for increasing direct care staff and direct care wages and benefits[, ~~but only to the extent that appropriated funds are available after money is allocated to base rate reimbursements as determined by the commission's nursing facility rate setting methodologies~~]; and

(2) if appropriated funds are available after money is allocated for payment of incentive-based rates under Subdivision (1), providing incentives that incorporate the use of a quality of care index, a customer satisfaction index, and a resolved complaints index developed by the commission.

(i) The executive commissioner shall ensure that rules governing an ~~the~~ incentives program described by Subsection (g)(1):

1           (1) provide that participation in the program by a  
2 nursing facility is voluntary;

3           (2) do not impose on a nursing facility not  
4 participating in the program a minimum spending requirement for  
5 direct care staff wages and benefits;

6           (3) do not set a base rate for a nursing facility  
7 participating in the program that is more than the base rate for a  
8 nursing facility not participating in the program; and

9           (4) establish a funding process to provide incentives  
10 for increasing direct care staff and direct care wages and benefits  
11 in accordance with appropriations provided.

12         SECTION 2. If before implementing any provision of this Act  
13 a state agency determines that a waiver or authorization from a  
14 federal agency is necessary for implementation of that provision,  
15 the agency affected by the provision shall request the waiver or  
16 authorization and may delay implementing that provision until the  
17 waiver or authorization is granted.

18         SECTION 3. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2017.