

AN ACT

relating to the transfer of money appropriated to provide care for certain persons in nursing facilities to provide community-based services to those persons.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.082 to read as follows:

Sec. 531.082. TRANSFER OF MONEY FOR COMMUNITY-BASED SERVICES. (a) The commission shall quantify the amount of money appropriated by the legislature that would have been spent during the remainder of a state fiscal biennium to care for a person who lives in a nursing facility but who is leaving that facility before the end of the biennium to live in the community with the assistance of community-based services.

(b) Notwithstanding any other state law and to the maximum extent allowed by federal law, the executive commissioner shall direct, as appropriate:

(1) the comptroller, at the time the person described by Subsection (a) leaves the nursing facility, to transfer an amount not to exceed the amount quantified under that subsection among the health and human services agencies and the commission as necessary to comply with this section; or

(2) the commission or a health and human services agency, at the time the person described by Subsection (a) leaves

1 the nursing facility, to transfer an amount not to exceed the amount
2 quantified under that subsection within the agency's budget as
3 necessary to comply with this section.

4 (c) The commission shall ensure that the amount transferred
5 under this section is redirected by the commission or health and
6 human services agency, as applicable, to one or more
7 community-based programs in the amount necessary to provide
8 community-based services to the person after the person leaves the
9 nursing facility.

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

16 SECTION 3. This Act takes effect September 1, 2005.

David Newkumst

President of the Senate

Tom Cradick

Speaker of the House

I certify that H.B. No. 1867 was passed by the House on May 4, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1867 on May 27, 2005, by a non-record vote.

Robert Hamey

Chief Clerk of the House

I certify that H.B. No. 1867 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Lacey Spaw

Secretary of the Senate

APPROVED: 18 JUNE '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:15 AM O'CLOCK

Roger Williams
JUN 18 2005
Secretary of State