

AN ACT

relating to providing prevocational or similar services under certain Medicaid waiver programs.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0755 to read as follows:

Sec. 32.0755. PREVOCATIONAL SERVICES UNDER CERTAIN WAIVER PROGRAMS. (a) In this section, "prevocational services" means services that are designed to prepare an individual for paid or unpaid work and achieve a generalized result rather than being job-task oriented.

(b) Prevocational services provided under the community living assistance and support services (CLASS) waiver program or another medical assistance waiver program providing long-term services or supports to a medical assistance recipient should be designed to assist the recipient in achieving competitive integrated employment in the community receiving compensation at or above the minimum wage in the recipient's community and in accordance with state and federal law.

(c) The commission shall seek a waiver or other necessary authorization from the appropriate federal agency to include prevocational services as part of the individualized skills and socialization services delivered under a medical assistance waiver program providing long-term services and supports.

1 (d) If the commission's request for a waiver or other
2 authorization under Subsection (c) is not granted, the commission
3 shall collaborate with relevant stakeholders and applicable
4 federal agencies to establish a service similar to prevocational
5 services in a manner that is authorized by federal law.

6 (e) If the commission is granted a waiver or other
7 authorization under Subsection (d):

8 (1) the reimbursement rate for the service the
9 commission establishes under that subsection may not exceed the
10 reimbursement rate for individualized skills and socialization
11 services; and

12 (2) if the service is combined with individualized
13 skills and socialization services, the commission shall ensure the
14 service may not exceed the total allowable hours or the total costs
15 for individualized skills and socialization services provided
16 under a service plan.

17 (f) The executive commissioner by rule shall establish
18 clearly stated, service-related performance standards applicable
19 to providers providing prevocational or similar services to
20 recipients under a medical assistance waiver program in accordance
21 with this section. The commission shall monitor the performance of
22 each provider of prevocational or similar services under a medical
23 assistance waiver program to ensure compliance with those
24 standards.

25 SECTION 2. (a) As soon as practicable after the effective
26 date of this Act, the Health and Human Services Commission shall
27 apply for and actively pursue from the appropriate federal agency

1 the waiver or other authorization required by Section 32.0755(c),
2 Human Resources Code, as added by this Act. The commission may
3 delay implementing other provisions of this Act until the waiver or
4 other authorization applied for under that subsection is granted.

5 (b) If the waiver or other authorization under Section
6 32.0755(c), Human Resources Code, as added by this Act, is not
7 granted, the Health and Human Services Commission shall, not later
8 than the 60th day after the date the waiver or other authorization
9 is denied, apply for a waiver or other authorization under Section
10 32.0755(d), Human Resources Code, as added by this Act.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 4169 was passed by the House on May 9, 2023, by the following vote: Yeas 134, Nays 5, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4169 on May 25, 2023, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4169 was passed by the Senate, with amendments, on May 23, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor