

House Bill 2
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. APPROPRIATION REDUCTION: PUBLIC FINANCE AUTHORITY. The unencumbered appropriations from the general revenue fund to the Public Finance Authority made by Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2017, for bond debt service payments, including appropriations subject to Rider 2, page I-47, Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), to the bill pattern of the appropriations to the authority, are reduced by a total aggregate of \$53,636,997. The Public Finance Authority shall identify the strategies and objectives to which the reduction is to be allocated and the amount of the reduction for each of those strategies and objectives.

SECTION 2. HEALTH AND HUMAN SERVICES COMMISSION: MEDICAID SHORTFALL. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$930,733,818 is appropriated from the general revenue fund, and \$1,705,243,901 is appropriated from federal funds, to the Health and Human Services Commission for the state fiscal year ending August 31, 2017, for Medicaid services under

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SECTION 1. APPROPRIATION REDUCTIONS: PUBLIC FINANCE AUTHORITY. (a) The unencumbered appropriations from the general revenue fund to the Public Finance Authority made by Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2017, for bond debt service payments, including appropriations subject to Rider 2, page I-47, Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), to the bill pattern of the appropriations to the authority, are reduced by a total aggregate of \$51,566,581.

(b) In addition to the reductions made by Subsection (a) of this section, the unencumbered appropriations from the general revenue fund to the Public Finance Authority made by Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2017, are reduced by \$217,487.

(c) The Public Finance Authority shall identify the strategies and objectives to which the reductions made by Subsections (a) and (b) of this section are to be allocated and the amount of the reduction for each of those strategies and objectives.

SECTION 7. HEALTH AND HUMAN SERVICES COMMISSION: MEDICAID SHORTFALL. (a) In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$793,586,397 is appropriated from the general revenue fund, and \$1,599,849,506 is appropriated from federal funds, to the Health and Human Services Commission for the state fiscal year ending August 31, 2017, for Medicaid services under

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Goal B, Medicaid, as listed in Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act).

(b) The expenditure or emergency transfer of money appropriated under Subsection (a) of this section is subject to the prior written approval of the Legislative Budget Board in accordance with Section 69, Article XVI, Texas Constitution.

SECTION 3. HEALTH AND HUMAN SERVICES COMMISSION: MEDICAID ACUTE CARE THERAPY SERVICES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$21,500,000 is appropriated from the general revenue fund, and \$29,800,000 is appropriated from federal funds, to the Health and Human Services Commission for the state fiscal year ending August 31, 2017, for Medicaid acute care therapy services, to be allocated among provider types and procedure codes for those services to preserve access to care.

SECTION 4. HEALTH AND HUMAN SERVICES COMMISSION: CERTAIN RIDERS. Subsection (c), Rider 50, page II-97, Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General

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Goal B, Medicaid, as listed in Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act).

(b) The expenditure or emergency transfer of money appropriated under Subsection (a) of this section is subject to the prior written approval of the Legislative Budget Board in accordance with Section 69, Article XVI, Texas Constitution.

A request by the Health and Human Services Commission to expend or transfer an amount of that money is considered approved unless the Legislative Budget Board issues a written disapproval not later than the 10th business day after the date on which the staff of the Legislative Budget Board concludes its review of the request and forwards its review to the chair of the House Appropriations Committee, the chair of the Senate Finance Committee, the speaker of the house of representatives, and the lieutenant governor.

No equivalent provision.

No equivalent provision.

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Appropriations Act), to the bill pattern of the appropriations to the Health and Human Services Commission is amended to read as follows:

c. HHSC shall reform reimbursement methodology to be in line with industry standards~~[, policies,]~~ and utilization for acute care therapy services (including physical, occupational, and speech therapies) while considering stakeholder input and access to care. In state fiscal year 2017, \$28,500,000 ~~[Out of the amount in subsection (a), in each fiscal year at least \$50,000,000] in General Revenue Funds savings should be achieved through rate reductions [and \$25,000,000 in General Revenue Funds savings may be achieved through various medical policy initiatives listed in items (1)-(10), below. If \$25,000,000 in savings is not achieved through various medical policy initiatives in fiscal year 2016, the amount of unrealized savings (the difference between \$25,000,000 in General Revenue Funds and savings actually achieved in fiscal year 2016) should be achieved through additional rate reductions in fiscal year 2017 while continuing any initiatives implemented in fiscal year 2016 that have been found to produce savings. HHSC may achieve savings through various medical policy initiatives, taking into consideration the following:~~

~~[(1) Clarifying policy language regarding co-therapy definition, documentation, and billing requirements,~~

~~[(2) Clarifying who can participate in therapy sessions in policy that interns, aides, students, orderlies and technicians can participate in therapy sessions when they are directly and appropriately supervised according to provider licensure requirements, but they are not eligible to enroll as providers and bill Texas Medicaid for services,~~

~~[(3) Consolidate Traditional, Comprehensive Care Program~~

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~~and Home Health Agency therapy policies into one policy,
[(4) Require a primary care or treating physician to initiate a signed order or referral prior to an initial therapy evaluation. The initial evaluation may require prior authorization and the signed order or referral must be dated prior to the evaluation,
(5) Require a primary care or treating physician to order the therapy services based on the outcomes of the evaluation,
(6) Clarify medical necessity for therapy services to ensure prior authorization staff who are reviewing requests are using guidelines based on the nationally recognized standards of care,
(7) Require licensed Medicaid-enrolled therapists to document and support decisions for continued therapy based on professional assessment of a client's progress relative to their individual treatment plan and in concert with the client's primary care physician and the individual and/or family,
(8) Ensure appropriate duration of services by aligning authorization periods with national standards,
(9) Streamline prior authorization processes, and
(10) Implement policies that ensure services are provided in the most cost-efficient and medically appropriate setting, and implementation of other medical or billing policy changes].~~

SECTION 5. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: ADDITIONAL APPROPRIATIONS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, the following amounts are appropriated from the general revenue fund to the Department of Family and Protective Services for the state fiscal year ending August 31, 2017, for the following purposes as listed in Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015

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SECTION 8. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: ADDITIONAL APPROPRIATIONS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, the following amounts are appropriated from the general revenue fund to the Department of Family and Protective Services for the state fiscal year ending August 31, 2017, for the following purposes as listed in Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015

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(the General Appropriations Act):

- (1) \$12,740,200 for Strategy B.1.3., TWC Contracted Day Care;
- (2) \$31,993,283 for Strategy B.1.9., Foster Care Payments; and
- (3) \$1,576,783 for Strategy B.1.10., Adoption/PCA Payments.

SECTION 6. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: CERTAIN TRANSFERS. Notwithstanding the limitations of Rider 32, page II-43, Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), to the bill pattern of the appropriations to the Department of Family and Protective Services, the department shall transfer \$435,475 from Strategy B.1.11., Relative Caregiver Payments, to Strategy B.1.9., Foster Care Payments, as listed in Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act).

No equivalent provision.

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(the General Appropriations Act):

- (1) \$16,279,099 for Strategy B.1.3., TWC Contracted Day Care;
- (2) \$39,665,526 for Strategy B.1.9., Foster Care Payments; and
- (3) \$694,681 for Strategy B.1.10., Adoption/PCA Payments.

SECTION 9. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: CERTAIN TRANSFERS. The Department of Family and Protective Services shall transfer \$4,355,118 from Strategy G.1.1., Agency-Wide Automated Systems, to Strategy B.1.9., Foster Care Payments, as listed in Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act).

SECTION 2. APPROPRIATION REDUCTIONS: FACILITIES COMMISSION. (a) The unencumbered appropriations from the general revenue fund to the Facilities Commission made by Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2017, for lease payments are reduced by \$13,780,014.

(b) In addition to the reductions made by Subsection (a) of this section, the unencumbered appropriations from the general revenue fund to the Facilities Commission made by Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular

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Session, 2015 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2017, are reduced by \$220,000.

(c) The Facilities Commission shall identify the strategies and objectives to which the reductions made by Subsections (a) and (b) of this section are to be allocated and the amount of the reduction for each of those strategies and objectives.

No equivalent provision.

SECTION 3. APPROPRIATION REDUCTION: DEPARTMENT OF TRANSPORTATION. The unencumbered appropriations from the general revenue fund made by Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), to the Department of Transportation for Strategy G.1.1., General Obligation Bonds, as listed in that Act, for general obligation bond debt service payments for the state fiscal biennium ending August 31, 2017, are reduced by \$14,191,000.

No equivalent provision.

SECTION 4. APPROPRIATION REDUCTION: COMMISSION ON ENVIRONMENTAL QUALITY. The unencumbered appropriations from the Texas Emissions Reduction Plan Account No. 5071 made by Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), to the Commission on Environmental Quality for use during the state fiscal biennium ending August 31, 2017, are reduced by \$31,000,000. The commission shall identify the strategies and objectives to which the reduction is to be allocated and the amount of the reduction for each of those strategies and objectives.

No equivalent provision.

SECTION 5. APPROPRIATION REDUCTION: PUBLIC UTILITY COMMISSION OF TEXAS. The unencumbered

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appropriations from the System Benefit Account No. 5100 made by Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), to the Public Utility Commission of Texas for use during the state fiscal biennium ending August 31, 2017, are reduced by \$1,209,355. The commission shall identify the strategies and objectives to which the reduction is to be allocated and the amount of the reduction for each of those strategies and objectives.

SECTION 6. APPROPRIATION REDUCTION: TEXAS EDUCATION AGENCY. The unencumbered appropriations from the general revenue fund made by Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), to the Texas Education Agency for use during the state fiscal biennium ending August 31, 2017, are reduced by \$492,589. The agency shall identify the strategies and objectives to which the reduction is to be allocated and the amount of the reduction for each of those strategies and objectives.

SECTION 10. Same as House version.

No equivalent provision.

SECTION 7. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: ADDITIONAL APPROPRIATIONS FOR AGENCY CRITICAL NEEDS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, the Department of Family and Protective Services is appropriated for the state fiscal year ending August 31, 2017, the following amounts from the general revenue fund for the following strategies as listed in Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), to address critical needs of the agency with respect to those strategies:

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- (1) \$75,521,204 for Strategy B.1.1., CPS Direct Delivery Staff;
- (2) \$613,174 for Strategy B.1.2., CPS Program Support;
- (3) \$21,000,000 for Strategy B.1.9., Foster Care Payments;
- (4) \$138,854 for Strategy D.1.1., APS Direct Delivery Staff;
- (5) \$6,703 for Strategy D.1.2., APS Program Support;
- (6) \$376,259 for Strategy F.1.1., Central Administration;
- (7) \$33,546 for Strategy F.1.2., Other Support Services;
- (8) \$3,067,626 for Strategy F.1.4., IT Program Support; and
- (9) \$940,108 for Strategy G.1.1., Agency-Wide Automated Systems.

SECTION 8. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: CERTAIN TRANSFERS. (a) Notwithstanding any transfer limitation specified in Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), the Department of Family and Protective Services shall transfer to the Health and Human Services Commission the following amounts:

- (1) \$29,247,213 of general revenue funds; and
- (2) \$72,450,261 of Temporary Assistance for Needy Families (TANF) program federal funds.

(b) The Health and Human Services Commission may spend Temporary Assistance for Needy Families (TANF) program federal funds transferred under Subsection (a)(2) of this section during the state fiscal year ending August 31, 2017, only with the prior written approval of the Legislative Budget Board in accordance with Section 69, Article XVI, Texas Constitution.

SECTION 9. TEXAS A&M FOREST SERVICE: APPROPRIATION FOR GENERAL COSTS CAUSED BY

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SECTION 11. Same as House version.

SECTION 12. TEXAS A&M FOREST SERVICE: APPROPRIATION FOR GENERAL COSTS CAUSED BY

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VARIOUS EMERGENCY WEATHER-RELATED RESPONSES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$5,100,000 is appropriated from the general revenue fund to the Texas A&M Forest Service for the state fiscal year ending August 31, 2017, for the purpose of paying for, or reimbursing payments made for, costs incurred by the forest service associated with responding to various weather-related emergencies.

SECTION 10. DEPARTMENT OF CRIMINAL JUSTICE: CORRECTIONAL MANAGED HEALTH CARE SHORTFALL. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$80,000,000 is appropriated from the general revenue fund to the Department of Criminal Justice for the state fiscal year ending August 31, 2017, for correctional managed health care under Strategy C.1.9., Hospital and Clinical Care, as listed in Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act).

SECTION 11. JUVENILE JUSTICE DEPARTMENT: OPERATIONAL SHORTFALL. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$4,469,257 is appropriated from the general revenue fund to the Juvenile Justice Department for the state fiscal year ending August 31, 2017, for an operational shortfall.

SECTION 12. ANIMAL HEALTH COMMISSION: CATTLE FEVER TICKS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31,

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VARIOUS EMERGENCY WEATHER-RELATED RESPONSES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$7,450,427 is appropriated from the general revenue fund to the Texas A&M Forest Service for the state fiscal year ending August 31, 2017, for the purpose of paying for, or reimbursing payments made for, costs incurred by the forest service associated with responding to various weather-related emergencies.

SECTION 13. Same as House version.

SECTION 14. Same as House version.

SECTION 15. Same as House version.

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2017, \$649,987 is appropriated from the general revenue fund to the Animal Health Commission for the state fiscal year ending August 31, 2017, for preparedness for, response to, and mitigation of cattle fever ticks under Strategy A.1.1., Field Operations, as listed in Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act).

SECTION 13. TEXAS ALCOHOLIC BEVERAGE COMMISSION. (a) The Texas Alcoholic Beverage Commission may not spend money appropriated to the agency by Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2017:

- (1) for travel outside the state, other than for bona fide and documented law enforcement or investigative activities; or
- (2) to attend or participate in an event, training, conference, class, or similar activity outside the state.

(b) The Texas Alcoholic Beverage Commission and employees of the commission may not accept payments from or spending authority on behalf of any trade, professional, or industry organization for any purpose or in any form, including a travel subsidy, payment of travel or other expenses for conference presenters, prepaid meals, or lodging.

No equivalent provision.

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SECTION 16. Same as House version.

SECTION 17. DEPARTMENT OF STATE HEALTH SERVICES: STATE HOSPITALS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$15,100,000 is appropriated from the general revenue fund to the Department of State Health Services for the state fiscal year ending August 31, 2017, for staffing costs, maintenance, and repair at state hospitals.

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No equivalent provision.

SECTION 18. HEALTH AND HUMAN SERVICES COMMISSION: EARLY CHILDHOOD INTERVENTION PROGRAM. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$4,500,000 is appropriated from the general revenue fund to the Health and Human Services Commission for the state fiscal year ending August 31, 2017, to provide funding for early childhood intervention program providers.

No equivalent provision.

SECTION 19. HEALTH AND HUMAN SERVICES COMMISSION: COMPREHENSIVE REHABILITATION SERVICES. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$2,400,000 is appropriated from the general revenue fund to the Health and Human Services Commission for the state fiscal year ending August 31, 2017, to provide comprehensive rehabilitation services.

No equivalent provision.

SECTION 20. DEPARTMENT OF AGING AND DISABILITY SERVICES: STATE SUPPORTED LIVING CENTERS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$11,300,000 is appropriated from the general revenue fund to the Department of Aging and Disability Services for the state fiscal year ending August 31, 2017, to provide additional funding for state supported living centers.

No equivalent provision.

SECTION 21. DEPARTMENT OF AGING AND DISABILITY SERVICES: MEXIA STATE SUPPORTED LIVING CENTER TORNADO REPAIR. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$2,400,000 is appropriated from the

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general revenue fund to the Department of Aging and Disability Services for the state fiscal year ending August 31, 2017, to repair tornado damage at the Mexia State Supported Living Center.

No equivalent provision.

SECTION 22. KILGORE COLLEGE: HIGHER EDUCATION GROUP INSURANCE CONTRIBUTIONS. In addition to amounts previously appropriated for the state fiscal biennium ending August 31, 2017, \$1,073,998 is appropriated from the general revenue fund to Kilgore College for the state fiscal year ending August 31, 2017, to provide for state contributions for health benefits.

No equivalent provision.

SECTION 23. DEPARTMENT OF TRANSPORTATION: ADJUSTMENT TO CAPITAL BUDGET ITEM EXPENDITURES. Notwithstanding Item d, Rider 2, page VII-19, Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), to the bill pattern appropriations to the Department of Transportation, the department's maximum capital expenditure for fiscal year 2017 for transportation items is increased by \$3,500,000, for a total amount of \$8,500,000 for that fiscal year. Notwithstanding Item e of that rider, the department's maximum capital expenditure for fiscal year 2017 for acquisition of capital equipment and items is correspondingly decreased by \$3,500,000, for a total amount of \$44,400,000 for that fiscal year.

No equivalent provision.

SECTION 24. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES: IMPACT PROJECT. Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), is amended by adding

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the following rider at the end of the riders to the appropriations made to the Department of Family and Protective Services in that Act (page II-46):

43. IMPACT Project. (a) The Department of Family and Protective Services shall report to the Legislative Budget Board any anticipated cost overruns and project delays for the IMPACT project that, before June 1, 2017, have not been identified and reported.

(b) Notwithstanding any other provision of this Act, all cost overruns must be paid from amounts appropriated above out of Appropriated Receipts. The Department of Family and Protective Services may not expend on IMPACT project cost overruns any other appropriations made from another method of financing without prior written approval from the Legislative Budget Board. The department shall request the approval and shall provide any additional information the Legislative Budget Board requests related to the request for approval in a timely manner and in a format specified by the Legislative Budget Board. The request for approval is considered approved unless the Legislative Budget Board issues a written disapproval not later than the 30th business day after the date on which the staff of the Legislative Budget Board concludes its review of the request and forwards its review to the chair of the House Appropriations Committee, the chair of the Senate Finance Committee, the speaker of the house of representatives, and the lieutenant governor.

No equivalent provision.

SECTION 25. DEPARTMENT OF PUBLIC SAFETY: DRIVER LICENSE IMPROVEMENT PLAN. In making expenditures of amounts appropriated to the Department of Public Safety for Strategy E.2.1., Driver License Services, and for Strategy E.2.2., Driving and Motor Vehicle Safety, as

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listed in Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2017, the department shall endeavor to use those amounts in a manner that ensures completion of all outstanding driver license improvement plan projects, including the installation of driver license kiosks, not later than August 31, 2017.

No equivalent provision.

SECTION 26. GOVERNOR'S HIRING FREEZE. (a) This section applies only to a state agency, institution of higher education, or other state entity in the executive branch of state government that is under the direction of the governor. This section does not apply to an agency that is under the direction of a statewide elected official other than the governor.

(b) Notwithstanding the appropriations made by Chapter 1281 (H.B. 1), Acts of the 84th Legislature, Regular Session, 2015 (the General Appropriations Act), for use during the state fiscal biennium ending August 31, 2017, each agency, institution, or other entity to which this section applies is directed to adhere to the memorandum issued to heads of state agencies by Steven Albright, Budget Director for Governor Greg Abbott, on January 31, 2017, regarding the governor's directive that the agencies, institutions, and entities impose an immediate hiring freeze and maintain that hiring freeze through the end of the state fiscal year ending August 31, 2017. At the end of the state fiscal biennium ending on that date, all amounts appropriated to those agencies, institutions, and entities that are unexpended, because of the hiring freeze, lapse, and the comptroller of public accounts shall credit those amounts to the funds and accounts from which the appropriations were made.

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SECTION 14. EFFECTIVE DATE. This Act takes effect immediately.

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SECTION 27. Same as House version.

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