

Article II Health and Human Services Health and Human Services Commission (529) Items Not Included in Bill as Introduced	Outstanding Items for Consideration				Tentative Subcommittee Decisions			
	Items Not Included in HB 1 2020-21 Biennial Total		Pended Items 2020-21 Biennial Total		Adopted 2020-21 Biennial Total		Article XI 2020-21 Biennial Total	
	GR & GR- Dedicated	All Funds	GR & GR- Dedicated	All Funds	GR & GR- Dedicated	All Funds	GR & GR- Dedicated	All Funds
<b>Agency Additional Requests:</b>								
1. Restore Base Request for FTE Authority. (1,887.9/1,887.9 FTEs).	\$ -	\$ -			Adopted 618.5/618.5 FTEs			
3. Authority for additional 26.0 FTEs for the <b>Office of Inspector General (OIG)</b> .  Request is for FTE authority only. HB 1 includes 602.2 FTEs for the OIG, which is a decrease of 149.0 FTEs from the 2019 budgeted level.	\$ -	\$ -			Adopted			
<b>Subcommittee Revisions and Additions:</b>								
4. New Rider - Substance Abuse Treatment Services. Rider would identify funding appropriated for the purpose of increasing substance abuse treatment rates, and reducing the substance abuse treatment waitlist for pregnant women and women with dependent children.					Adopted as amended			
<b>Total, Outstanding Items / Tentative Decisions</b>	<b>\$ 4,011,474,969</b>	<b>\$ 7,166,512,003</b>	<b>\$ 55,916,377</b>	<b>\$ 78,538,828</b>	<b>\$769,592,247</b>	<b>\$ 1,342,919,058</b>	<b>\$388,586,656</b>	<b>\$895,634,275</b>
	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Total, Full-time Equivalentents / Tentative Decisions</b>	2,502.6	2,661.8	15.2	22.3	833.4	983.4	79.3	111.0

House Appropriations Committee Decision Document - Health and Human Services Commission Riders  
 Representative Davis, Subcommittee Chair on Article II  
 Members: Representatives Cortez, Hefner, Sheffield, Turner, J.

Decisions as of March 11, 2019 @ 1:00 PM

LBB Analyst: Samantha Brock, Mike Diehl, and Rustin Dudley

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	Items Not Included in HB 1 <u>2020-21 Biennial Total</u>		Pended Items <u>2020-21 Biennial Total</u>		Adopted <u>2020-21 Biennial Total</u>		Article XI <u>2020-21 Biennial Total</u>	
	GR & GR- Dedicated	All Funds	GR & GR- Dedicated	All Funds	GR & GR- Dedicated	All Funds	GR & GR- Dedicated	All Funds
<b>Agency Rider Requests:</b>								
<b>OTHER CLIENT SERVICES</b>								
26. Amend Rider 59, High Performance Bonus for Administration of the Supplemental Nutritional Assistance Program (SNAP), to identify the authority to receive and expend high performance bonuses as Article IX, Sec. 13.11, Definition, Appropriation, Reporting, and Audit of Earned Federal Funds.								
<b>OFFICE OF INSPECTOR GENERAL</b>								
35. Add new Rider X, OIG Capital IT Projects Unexpended Balances, to provide HHSC authority to transfer unexpended and unobligated balances related to OIG's Medicaid Fraud Detection System (MFDS) capital budget project from fiscal year 2019 to fiscal year 2020.  Cost: TBD								
<b>TRANSFERS</b>								
44. Amend Rider 97, Limitations on Transfer Authority, to provide HHSC authority to transfer appropriations between Medicaid waiver programs. Also amend rider to allow HHSC to transfer funds from Medicaid client service strategies to Strategy B.1.1, Medicaid Contracts and Administration, to pay for certain contingency contracts that generate revenue for Medicaid client services in an amount greater than assumed in the General Appropriations Act.					<b>Adopted as amended</b>			

By: \_\_\_\_\_

**Health and Human Services Commission, Article II**  
**Proposed Funding and Rider**  
**Substance Abuse Treatment**

Prepared by LBB Staff, 03/11/19

**Overview**

Prepare a rider which identifies funding appropriated to the Health and Human Services Commission for the purpose of increasing substance abuse treatment rates, and reducing the substance abuse treatment waitlist for pregnant women and women with dependent children.

**Required Action**

On page II-XX of the Health and Human Services Commission bill pattern, add the following rider:

XX. Substance Abuse Treatment Services. Included in amounts appropriated above in Strategy D.2.4, Substance Abuse Services, is \$3,569,863 in General Revenue in fiscal year 2020 and \$22,795,293 in General Revenue in fiscal year 2021 to provide a rate increase for all substance abuse treatment services provided under Strategy D.2.4, Substance Abuse Services. Also included in amounts appropriated above in Strategy D.2.4, Substance Abuse Services, is \$23,634,844 in General Revenue in fiscal year 2020 to reduce the substance abuse treatment waitlist for pregnant women and women with dependent children waiting to receive services provided under Strategy D.2.4, Substance Abuse Services.

By: \_\_\_\_\_

## Health and Human Services Commission, Article II

### Amended Rider

### Limitations on Transfer Authority

Prepared by LBB Staff, 03/10/2019

#### Overview

Amend Health and Human Services Commission Rider 97, Limitations on Transfer Authority, to allow for transfers into or out of Goal A, Medicaid Client Services, and Goal C, CHIP Client Services, with the prior written approval of the Legislative Budget Board and the Governor. Also, amend the rider to allow for transfers with prior notification between Goal A, Medicaid Client Services, and Strategy B.1.1, Medicaid Contracts & Administration, for the purpose of paying for increased fees for certain contingency contracts when revenues exceed the amount assumed in appropriations.

#### Required Action

On page II-105 of the Health and Human Services bill pattern, amend the following rider:

#### 97. **Limitations on Transfer Authority.**

- (a) **Limitations on Transfers for Goal A, Medicaid Client Services, and Goal C, CHIP Client Services.**
- (1) Notwithstanding Article IX, § 14.01, Appropriation Transfers, Article IX, § 14.03, Transfers - Capital Budget, and Article II, Special Provisions § 6, Limitations on Transfer Authority, funds appropriated by this Act to the Health and Human Services Commission (HHSC) for the following goals shall be governed by the specific limitations included in this subsection.
- (A) **Goal A, Medicaid Client Services.** Transfers may be made between strategies in Goal A, Medicaid Client Services (excluding Strategies A.3.1, Home and Community-based Services; A.3.2, Community Living Assistance (CLASS); A.3.3, Deaf-Blind Multiple Disabilities; A.3.4, Texas Home Living Waiver; and A.3.5, All-Inclusive Care-Elderly) subject to the notification requirements in subsection (a)(2) of this rider. Transfers may not be made to strategies in Goal A, Medicaid Client Services, from strategies in other goals nor from strategies in Goal A, Medicaid Client Services, to strategies in other goals without prior written approval of the Legislative Budget Board and the Governor pursuant to subsection (a)(3) of this rider. ~~Transfers may not be made from strategies in Goal A, Medicaid Client Services, to strategies in other goals.~~
- (B) **Community Care Waivers and Other Medicaid Non-Entitlement Services (Goal A).** Transfers may not be made between strategies listed in this subsection, and may not be made to or from strategies listed in this subsection without prior written approval of the Legislative Budget Board and the Governor pursuant to subsection (a)(3) of this rider.
- A.3.1, Home and Community-based Services;  
A.3.2, Community Living Assistance (CLASS);  
A.3.3, Deaf-Blind Multiple Disabilities;  
A.3.4, Texas Home Living Waiver; and  
A.3.5, All-Inclusive Care-Elderly.
- (C) **Goal C, CHIP Client Services.** Transfers may be made between strategies in Goal C, CHIP Client Services, subject to the notification requirements in subsection (a)(2) of this rider. Transfers may not be made to strategies in Goal C, CHIP Client Services, from strategies in other goals. ~~Transfers may not be made~~ nor from strategies in Goal C, CHIP Client Services, to strategies in other goals without prior written approval of the Legislative Budget Board and the Governor

pursuant to subsection (a)(3) of this rider.

- (2) **Notification Requirements.** Authority granted by this subsection to transfer funds without written approval is contingent upon a written notification from HHSC to the Legislative Budget Board and the Governor at least 30 business days prior to the transfer, and shall include the following information:

- (A) a detailed explanation of the purpose(s) of the transfer and whether the expenditure will be one-time or ongoing;
- (B) the names of the originating and receiving strategies and the method of financing for each strategy by fiscal year; and
- (C) an estimate of performance levels and, where relevant, a comparison to targets included in this Act for both the originating and the receiving strategies.

- (3) **Requests for Transfers that Require Approval.** To request a transfer, HHSC shall submit a written request to the Legislative Budget Board and the Governor. At the same time, the agency shall provide a copy of the request to the Comptroller of Public Accounts (CPA). The request shall include the following information:

- (A) a detailed explanation of the purpose(s) of the transfer and whether the expenditure will be one-time or ongoing;
- (B) the names of the originating and receiving strategies and the method of financing for each strategy by fiscal year; and
- (C) an estimate of performance levels and, where relevant, a comparison to targets included in this Act for both the originating and the receiving strategies.

- (34) **Cash Management.** Notwithstanding the above limitations, HHSC may temporarily utilize funds appropriated in Goals A, Medicaid Client Services and C, CHIP Client Services, for cash flow purposes. All funding used in this manner shall be promptly returned to the originating strategy. This authorization is subject to limitations established by the CPA.

The CPA shall not allow the transfer of funds authorized by any of the above subsections if the Legislative Budget Board provides notification to the CPA that the requirements of this provision have not been satisfied.

- (b) **Limitations on Transfers within/between Other Goals.** Notwithstanding Article IX, § 14.01, Appropriation Transfers, and Article IX, § 14.03, Transfers - Capital Budget, HHSC is authorized to make transfers of funding, full-time equivalents (FTEs), and capital budget authority between strategies, subject to the following requirements:

- (1) Authority granted by this subsection to transfer funding, FTEs, or capital budget authority is contingent upon a written notification from HHSC to the Legislative Budget Board and the Governor at least 30 business days prior to the transfer. Notification provided under this subsection must include the following information:
  - (A) a detailed explanation of the purpose(s) of the transfer and whether the expenditure will be one-time or ongoing;
  - (B) the names of the originating and receiving strategies and the method of financing and FTEs for each strategy by fiscal year;
  - (C) an estimate of performance levels and, where relevant, a comparison to targets included in this Act for both the originating and receiving strategies; and
  - (D) the capital budget impact.

- (2) Notwithstanding Article II, Special Provisions § 6, Limitations on Transfer Authority, Article IX, §14.01, Appropriations Transfers, Article IX, § 14.03, Transfers - Capital Budget, and subsection (b)(1) of this rider, any transfers that exceed the lesser of \$1,000,000 or 20.0 percent of the originating strategy in either fiscal year; FTE adjustments of more than 10.0 FTEs in either fiscal year; capital budget authority that exceeds \$100,000; or transfers in any amount into or out of: (1) Strategies in Goal B, Medicaid and CHIP Contracts and Administration; (2) Strategy D.1.1, Women's

Health Programs; (3) Strategy D.1.3, ECI Services; (4) Strategy D.1.4, ECI Respite and Quality Assurance; (5) Strategy D.1.6, Autism Program; (6) Strategy F.3.2, Child Advocacy Programs; (7) Strategy G.1.1, State Supported Living Centers; and (8) Strategies in Goal L, Enterprise Oversight and Policy, are subject to the prior written approval of the Legislative Budget Board and the Governor.

- (A) To request a transfer, HHSC shall submit a written request to the Legislative Budget Board and the Governor. At the same time, the agency shall provide a copy of the request to the Comptroller of Public Accounts. The request shall include the following information:
- (i) a detailed explanation of the purpose(s) of the transfer and whether the expenditure will be one-time or ongoing;
  - (ii) the name of the originating and receiving strategies and the method of financing and FTEs for each strategy by fiscal year;
  - (iii) an estimate of performance levels and, where relevant, a comparison to targets included in this Act for both the originating and receiving strategies; and
  - (iv) the capital budget impact.
- (3) Notwithstanding subsection (b)(2) of this rider, transfers may be made between strategies in Goal L, HHS Enterprise Oversight and Policy. HHSC shall provide notification of all transfers pursuant to subsection (b)(1) of this rider.
- (4) Notwithstanding subsection (a)(1)(A) and subsection (b)(2) of this rider, and contingent on revenues generated from certain contingency or Recovery Audit Contractor based contracts in the Medicaid program exceeding the amounts assumed in appropriations above as Medicaid Subrogation Receipts Account No. 8044 in Strategy A.1.5, Children, transfers may be made from Strategy A.1.5, Children, to Strategy B.1.1, Medicaid Contracts & Administration, solely to provide for an increase in contingency fees for a contract resulting from higher than anticipated revenue collections. This authority is limited to contracts that result in revenue collections that are deposited as Medicaid Subrogation Receipts Account No. 8044 and shall not be used to increase the percentage of revenue collections retained by a contractor pursuant to existing contracts and applicable state and federal law. HHSC shall provide written notification of all transfers to the Legislative Budget Board and the Governor within 30 calendar days of making a transfer.
- (4-5) In addition to the notice required by this subsection, the total of all transfers from a strategy may not exceed the lesser of \$1,000,000 or 20.0 percent of the originating item of appropriation for funding for the fiscal year without prior written approval of the Legislative Budget Board and the Governor.
- (c) In the case of disaster or other emergency, this provision is superseded by the emergency-related transfer authority in Article IX of this Act.