

3.B. Rider Revisions and Additions Request

Agency Code:	Agency Name:	Prepared By:	Date:	Request Level:																																	
539	Department of Aging and Disability Services	James R. Hine	10/8/04	Base																																	
Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language																																			
1	II-66 [DHS]	<p>Capital Budget. None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease Payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103.</p> <table style="width: 100%; margin-left: 20px;"> <thead> <tr> <th style="width: 80%;"></th> <th style="text-align: right; width: 10%;"><u>2006</u></th> <th style="text-align: right; width: 10%;"><u>2007</u></th> </tr> </thead> <tbody> <tr> <td>a. Repairs or Rehabilitation of Building and Facilities (1) Critical Repairs of State Owned Bond Homes</td> <td style="text-align: right;">139,802</td> <td style="text-align: right;">139,803</td> </tr> <tr> <td>b. Acquisition of Information Resource Technologies (1) Computer Equipment Leases</td> <td style="text-align: right;">633,626</td> <td style="text-align: right;">633,626</td> </tr> <tr> <td>c. Other Lease Payments to the Master Lease Purchase Program (MLPP) (1) MLPP Payments for Energy Conservation Projects</td> <td style="text-align: right;">1,367,754</td> <td style="text-align: right;">2,383,822</td> </tr> <tr> <td>Total, Capital Budget</td> <td style="text-align: right;">2,141,182</td> <td style="text-align: right;">3,157,251</td> </tr> <tr> <td colspan="3">Method of Financing (Capital Budget)</td> </tr> <tr> <td>0001 General Revenue Fund</td> <td style="text-align: right;">1,657,334</td> <td style="text-align: right;">2,673,402</td> </tr> <tr> <td>0573 GR Dedicated – Capital Trust Fund</td> <td style="text-align: right;">139,802</td> <td style="text-align: right;">139,803</td> </tr> <tr> <td>0758 GR Match for Medicaid</td> <td style="text-align: right;">67,000</td> <td style="text-align: right;">67,000</td> </tr> <tr> <td>0555 Federal Funds</td> <td style="text-align: right;">277,046</td> <td style="text-align: right;">277,046</td> </tr> <tr> <td>Total Method of Financing</td> <td style="text-align: right;">2,141,182</td> <td style="text-align: right;">3,157,251</td> </tr> </tbody> </table> <p>Justification for the change: <i>This rider has been changed to reflect the FY 2006-2007 Capital Budget Request. An explanation of the requested items and impact on department operations is included in the Capital Budget Supporting Schedules. This rider enables the deletion of rider #41 (legacy TDMHMR rider #1).</i></p>				<u>2006</u>	<u>2007</u>	a. Repairs or Rehabilitation of Building and Facilities (1) Critical Repairs of State Owned Bond Homes	139,802	139,803	b. Acquisition of Information Resource Technologies (1) Computer Equipment Leases	633,626	633,626	c. Other Lease Payments to the Master Lease Purchase Program (MLPP) (1) MLPP Payments for Energy Conservation Projects	1,367,754	2,383,822	Total, Capital Budget	2,141,182	3,157,251	Method of Financing (Capital Budget)			0001 General Revenue Fund	1,657,334	2,673,402	0573 GR Dedicated – Capital Trust Fund	139,802	139,803	0758 GR Match for Medicaid	67,000	67,000	0555 Federal Funds	277,046	277,046	Total Method of Financing	2,141,182	3,157,251
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2	II-67 [DHS]	<p>Medical Assistance Payments. General revenue funds appropriated herein above for all Medicaid services shall be made available to the agency by the Comptroller of Public Accounts in equal monthly installments on the first day of each calendar month; provided, however, that any balances on hand in such funds may be carried over from month to month during each fiscal year and from fiscal year 2004 2006 to fiscal year 2005 <u>2007</u>, and such funds are appropriated to the department for the 2004-05 <u>2006-07</u> biennium.</p> <p>Justification for the change: <i>This rider is updated to reflect the 2006-2007 biennium. This rider enables the deletion of rider #76 (legacy TDMHMR rider #36).</i></p>		
3	II-67 [DHS]	<p>Federal Funds Appropriated. The appropriations herein made may be used to match federal funds granted to the state for the payment of personal services, travel and other necessary expenses in connection with the administration and operation of a state program, of public welfare services. The Department of Human Services <u>Department of Aging and Disability Services</u> is hereby authorized to receive and disburse in accordance with plans acceptable to the responsible federal agency, all federal moneys that are made available (including grants, allotments, and reimbursements) to the state and retain their character as federal funds for such purposes and all fees authorized by federal law, and to receive, administer, and disburse federal funds for federal programs in accordance with plans agreed upon by the Department of Human Services <u>Department of Aging and Disability Services</u> and the responsible federal agency, and such other activities as come under the authority of the Department of Human Services, <u>Department of Aging and Disability Services,</u> and such moneys are appropriated to the specific purpose or purposes for which they are granted or otherwise made available. Earned federal funds are not considered to be federal funds for the purpose of this section.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292 and remove the reference to public welfare services.</i></p>		

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4	II-67 [DHS]	<p>Federal, State and Local Funds Appropriated. The Department of Human Services <u>Department of Aging and Disability Services</u> is hereby authorized to accept all moneys appropriated by the federal or state governments, or by the Commissioners' Court of any county, or by any political subdivisions, as provided by Human Resources Code § 11.003, as amended, for any purpose including but not limited to the cost of distributing foods to needy people, institutions, school lunch programs, or otherwise as provided by the laws of the United States and the rules and regulations issued pursuant thereto for the distribution of commodities as they now read or as they may be hereafter amended, and to deposit said moneys in the State Treasury. All of said funds are hereby appropriated to the Department of Human Services <u>Department of Aging and Disability Services</u> for the purposes for which they were granted.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292.</i></p>		
5	II-68 [DHS]	<p>Appropriation of Federal and Local Funds. All funds received by the department from counties, cities, federal agencies and from any other local source and all balances from such sources as of August 31, 2003 <u>2005</u>, are hereby appropriated for the biennium ending August 31, 2005 <u>2007</u>, for the purpose of carrying out the provisions of this Act.</p> <p>Justification for the change: <i>This rider is updated to reflect the 2006-2007 biennium. This rider enables the deletion of rider #75 (legacy TDMHMR rider #35)</i></p>		
6	II-68 [DHS]	<p>Food Stamp Program Funds Appropriated. The Department of Human Services is hereby designated as the state agency to establish and operate a statewide Food Stamp Program and to accept all moneys appropriated for this purpose by the federal or state governments, by the Commissioners' Court of any county, by any political subdivisions of the state, or received from any other source as provided for herein and in Chapter 33, Human Resources Code. The Department of Human Services is authorized to expend such funds for welfare purposes, including the cost of distributing foods to needy people, institutions, school lunch programs, or otherwise as provided by the laws of the United States and the rules and regulations issued pursuant thereto, for the establishment and operation of a statewide Food Stamp Program, and for the employment of essential personnel who shall be employed under a merit system basis comparable to the merit principles or standards applicable to all other personnel of the department</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to a Human Service Program that is no longer overseen by the Department of Aging and Disability Services.</i></p>		

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Current Rider Number 7	Page Number in 2004-05 GAA II-68 [DHS]	Proposed Rider Language		
		<p>Nursing Home Program Provisions.</p> <p>a. Nursing Home Income Eligibility Cap. It is the intent of the Legislature that the income eligibility cap for nursing home care shall be maintained at the federal maximum level of 300 percent of Supplemental Security Income (SSI). Further, it is the intent of the Legislature that any cost-of-living increase in social security or other benefits sponsored by the federal government or that any increase in other pension plans should not result in the termination of Title XIX benefits for persons already eligible for services. The Department of Human Services <u>Department of Aging and Disability Services</u> is hereby authorized to expend general revenue funds to the extent necessary to ensure the continuation of benefits to persons eligible.</p> <p>b. Limitation of Per Day Cost of Alternate Care.</p> <p>(1) Subject to the exception in (2), no funds shall be expended by the Department of Human Services <u>Department of Aging and Disability Services</u> for alternate care where the cost per patient per day exceeds the average Medicaid Nursing or ICF-MR Facility rate or the patient's nursing or ICFMR facility rate, whichever is greater, except for cases individually exempted by the Board of Human Services or by the Commissioner of Human Services- <u>the Department of Aging and Disability Services.</u></p> <p>(2) The department may not disallow or jeopardize community services for individuals currently receiving services under Medicaid waivers if those services are required for that individual to live in the most integrated setting, the reimbursement rate paid for needed services does not exceed 133.3 percent of the reimbursement rate that would have been paid for that same individual to receive comparable services in an institution over a six <u>twelve</u> month period, and the department continues to comply with cost-effectiveness requirements from the Centers for Medicare and Medicaid Service.</p> <p>The department shall "grandfather" on September 1, 2003, those individuals receiving services in a medical assistance waiver program, under authority granted in the department's budget rider 7 from the Seventy-seventh Legislature, when continuation of these services is necessary for the individual to live in the most integrated setting appropriate to his/her needs and the department continues to comply with the cost effectiveness requirements from the Centers for Medicare and Medicaid Service.</p>		

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7 (con't)		<p>c. Establishment of a Swing-bed Program. Out of the funds appropriated above for nursing home vendor payments, the department shall maintain a "swing-bed" program, in accordance with federal regulations, to provide reimbursement for skilled nursing patients who are served in hospital settings in counties with a population of 100,000 or less. If the swing beds are used for more than one 30-day length of stay per year per patient, the hospital must comply with the regulations and standards required for nursing home facilities.</p> <p>d. Nursing Home Bed Capacity Planning. It is the intent of the Legislature that the department shall establish by rule procedures for controlling the number of Medicaid beds and for the decertification of unused Medicaid beds and for reallocating some or all of the decertified Medicaid beds. The procedures shall take into account a facility's occupancy rate.</p> <p>e. Nursing Facility Competition. It is the intent of the Legislature that the department encourage competition among contracted nursing facilities.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292, and updating the exemption process. In addition, the length of time referenced in b(2) was changed from six months to twelve months to better reflect a more thorough analysis of comparable care between a waiver and an institutional setting.</i></p>		
8	II-69 [DHS]	<p>Appropriation of Receipts: Civil Monetary Damages and Penalties. Included in the General Revenue <u>Appropriated Receipts</u> Funds appropriated above is \$2,660,000 for the biennium from funds collected as civil monetary damages and penalties under Human Resources Code § 32.021. Any amounts above \$2,660,000 are hereby appropriated to the department in amounts equal to the costs of the investigation and collection proceedings conducted under that section, and any amounts collected as reimbursement for claims paid by the department.</p> <p>Justification for the change: <i>This is updated to reflect the appropriation of these civil monetary penalties as Appropriated Receipts as opposed to General Revenue Funds. This simplifies the receipt and expenditure of these funds.</i></p>		

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9	II-69 [DHS]	<p>Appropriations Limited to Revenue Collections. It is the intent of the Legislature that fees, fines, and other miscellaneous revenues as authorized and generated by the agency cover, at a minimum, the cost of the appropriations made above for the Nursing Facility Administrator program in Strategy A.2.2 B.1.2, Long Term Care Credentialing and Home Health and Community Support Service Agencies program in Strategy A.2.3 B.1.1, Home and Community Support Services Licensing <u>Long Term Care Facility Regulation</u> as well as the "other direct and indirect costs" associated with this program, appropriated elsewhere in this Act. Direct costs for the Nursing Facility Administrator program are estimated to be \$248,766 <u>\$234,393</u> for fiscal year 2004 <u>2006</u> and \$248,766 <u>\$234,393</u> for fiscal year 2005 <u>2007</u>. Direct costs for the Home and Community Support Services Licensing program are estimated to be \$1,867,073 <u>\$2,065,119</u> for fiscal year 2004 <u>2006</u> and \$1,870,615 <u>\$2,065,120</u> for fiscal year 2005 <u>2007</u>. "Other direct and indirect costs" for the Nursing Facility Administrator program are estimated to be \$82,834 <u>\$40,097</u> for fiscal year 2004 <u>2006</u> and \$83,702 <u>\$40,097</u> for fiscal year 2005 <u>2007</u>. "Other direct and indirect costs" for the Home and Community Support Services Licensing program are estimated to be \$427,904 <u>\$253,314</u> for fiscal year 2004 <u>2006</u> and \$434,200 <u>\$253,314</u> for fiscal year 2005 <u>2007</u>. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above to be within the amount of revenue expected to be available.</p> <p>Justification for the change: <i>This rider was updated for strategy changes, estimated revenues and 2006-2007 biennium changes.</i></p>		
10	II-69 [DHS]	<p>Accounting of Support Costs. The State Comptroller shall establish separate accounts from which certain support costs shall be paid. The Department of Human Services <u>Department of Aging and Disability Services</u> is hereby authorized to make transfers into these separate accounts from line item strategies in order to pay for these expenses in an efficient and effective manner. Only costs not directly attributable to a single program may be budgeted in or paid from these accounts. Items to be budgeted in and paid from these accounts include, but are not limited to: postage, occupancy costs, equipment repair, telephones, office printing costs, supplies, freight and transport costs, telephone system costs, and salary and travel costs of staff whose function supports several programs. The department shall be responsible for monthly allocations of these costs to the original strategies.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292.</i></p>		

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11	II-70 [DHS]	<p>Fund Transfers for Funds Consolidation. For the purpose of funds consolidation, federal and other funds may be transferred into the General Revenue Fund from the Department of Human Services <u>Department of Aging and Disability Services</u> Fund No. 117. The initial deposit of federal funds shall be made into Fund No. 117 and no direct expenditures shall be made from this fund.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292.</i></p>		
12	II-70 [DHS]	<p>Pediatric Care in Nursing Facilities. In determining the appropriate placement for children who currently receive care in nursing facilities, the department shall, within the requirements of federal law, consider the requests of parents concerning either a continued stay in a nursing facility providing skilled pediatric care or an alternate placement.</p> <p>Justification for the change: <i>There is no change requested for this rider. It should continue in its current state for the Department of Aging and Disability Services.</i></p>		
13	II-70 [DHS]	<p>Limitation: Transfer Authority. Notwithstanding any other provision of this Act, none of the funds appropriated by this Act to the Department of Human Services <u>Department of Aging and Disability Services</u> for</p> <ul style="list-style-type: none"> a. A.1.1. Community Care Entitlement; <u>A.1 Intake, Access, & Eligibility;</u> b. A.1.2. Community Care – Waivers; <u>A.2 Community Care – Entitlement;</u> c. A.1.3. Community Care – State; <u>A.3 Community Care – Waivers;</u> d. A.1.4. In-home & Family Support; <u>A.4 Community Care – State;</u> e. A.1.5. LTC Eligibility & Service Planning; <u>A.5 Program of All-Inclusive Care for the Elderly (PACE);</u> f. A.1.6. Nursing Facility & Hospice Payments; <u>A.6 Nursing Facility and Hospice Payments;</u> g. A.1.7. Integrated Managed Care Systems; <u>A.7 Intermediate Care Facilities – Mental Retardation; and</u> h. A.2.1. Long-Term Care Facility Regulation; and <u>B.1 Long Term Care Regulation.</u> i. B.1.2. CSS Eligibility & Issuance Services. <p>may be transferred to any other item of appropriation or expended for any purpose other than the specific purpose for which the funds are appropriated, unless the Commissioner certifies to the Legislative Budget Board and the Governor that such a transfer is necessary to maintain direct services to clients or to provide needed transitional services and complies with other provisions contained in this Act regarding notification of transfers. However, transfers may be made between Medicaid Strategies in accordance with other provisions in this Act.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292 and the corresponding new department objectives.</i></p>		

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		<p>Additional Funding Sources, Medicaid. Notwithstanding any other provisions of this Act, if the appropriations provided for</p> <ul style="list-style-type: none"> a. A.1.1. Community Care – Entitlement; <u>A.1 Intake, Access and Eligibility;</u> b. A.1.2. Community Care – Waivers; <u>A.2 Community Care – Entitlement;</u> c. A.1.5. LTC Eligibility & Service Planning; <u>A.3 Community Care – Waivers;</u> d. A.1.6. Nursing Facility & Hospice Payments; <u>A.5 Program of All-Inclusive Care for the Elderly (PACE)</u> e. A.1.7. Integrated Managed Care Systems; <u>A.6 Nursing Facility & Hospice Payments;</u> f. A.2.1. Long Term Care Facility Regulation; and <u>A.7 Intermediate Care Facilities – Mental Retardation</u> g. B.1.2. CSS Eligibility & Issuance Services; <u>A.8 MR State Schools Services;</u> and h. <u>B.1 Long Term Care Regulation</u> <p>are not sufficient to provide for expenditures mandated by either state or federal law, after accounting for any appropriations made to the department and available for transfer to these programs, the Legislative Budget Board and the Governor may provide for and are hereby authorized to direct the transfer of sufficient amounts of funds to the department from appropriations made elsewhere in this Act.</p> <p>Justification for this change: <i>This rider is updated to reflect the department name change as required in H.B. 2292 and the corresponding new department objectives.</i></p>		

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15	II-70 [DHS]	<p data-bbox="627 313 1314 342">Medicaid and Other Program Reporting Requirements.</p> <p data-bbox="627 370 1927 431">a. None of the funds appropriated by this Act to the Department of Human Services <u>Department of Aging and Disability Services</u> may be expended or distributed by the department unless:</p> <p data-bbox="674 464 1976 553">(1) the department submits to the Legislative Budget Board and the Governor a copy of each report or petition submitted to the federal government relating to Medicaid, <u>Medicare</u>, Temporary Assistance for Needy Families, and other programs. This shall include, but is not limited to:</p> <ul style="list-style-type: none"> <li data-bbox="772 586 1031 615">(i) expenditure data; <li data-bbox="772 618 999 647">(ii) caseload data; <li data-bbox="772 651 1066 680">(iii) revenue generation; <li data-bbox="772 683 1110 712">(iv) cost allocation revisions; <li data-bbox="772 716 1161 745">(v) state plan amendments; and <li data-bbox="772 748 1745 797">(vi) state plan waivers, including, but not limited to, applications for new waivers or changes to existing waiver services, costs, or authorized number of clients. <p data-bbox="772 829 1934 886">Such reports shall be submitted to the Legislative Budget Board and the Governor no later than the date the respective report is submitted to the federal government, and</p> <p data-bbox="674 919 1976 1097">(2) the department submits to the Legislative Budget Board and the Governor at the close of each quarter a report detailing Medicaid, <u>Medicare</u>, TANF, and other program caseload figures and related expenditure amounts for the preceding 36 months, and projecting the anticipated Medicaid and other program caseloads, related expenditure amounts, and full-time equivalent requirements for the 36 month period beginning with the first month after the report is due. The report shall be prepared in a format specified by the Legislative Budget Board.</p> <p data-bbox="674 1130 1986 1243">(3) The Department of Human Services <u>Department of Aging and Disability Services</u> submits data to the Legislative Budget Board and the Governor by the end of each month <u>quarter</u> pertaining to the actuarial data and forecasts of caseloads and costs for the programs identified in subsection a(2). The data shall be sent in a manner to be specified by the Legislative Budget Board and the Governor.</p>		

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		<p>b. Each report submitted to the Legislative Budget Board and the Governor pursuant to this provision must be accompanied by supporting documentation detailing the sources and methodologies utilized to develop any caseload or cost projections contained in each respective report and any other supporting material as specified by the Legislative Budget Board and the Governor.</p> <p>c. Each report submitted pursuant to this provision must contain a certification by the person submitting the report that the information provided is true and correct based upon information and belief together with supporting documentation.</p> <p>d. The Comptroller of Public Accounts shall not allow the expenditure of funds appropriated by this Act to the Department of Human Services if the Legislative Budget Board and the Governor certify to the Comptroller of Public Accounts that the Department of Human Services is not in compliance with this provision.</p> <p>e. The department shall submit to the Legislative Budget Board and the Governor a monthly <u>quarterly</u> report on expenditures and encumbrances of the agency by strategy. The report shall include, but is not limited to expenditures and methods of finance, number of full-time equivalent positions, both state/federal and local/federal, Earned Federal Funds, and capital budget.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292, update the reporting requirements from monthly to quarterly, add Medicare as a reporting function and update FTE reporting due to loss of local/federal FTEs.</i></p>		

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16	II-71 [DHS]	<p data-bbox="625 310 909 334">Earned Federal Funds</p> <p data-bbox="625 367 1997 488">a. The Department of Human Services <u>Department of Aging and Disability Services</u> shall submit a monthly <u>quarterly</u> report to the Legislative Budget Board and the Governor which details revenues, expenditures, and balances for earned federal funds as of the last day of the prior month. <u>quarter</u>. The report shall be prepared in a format approved by the Legislative Budget Board.</p> <p data-bbox="625 521 1934 578">b. The authority to receive and expend earned federal funds generated in the 2004-05 <u>2006-07</u> biennium in excess of those appropriated above is subject to the following limitations:</p> <p data-bbox="674 610 1997 846">(1) At least 14 days prior to any expenditure of earned federal funds in excess of those appropriated, the department shall report the earned federal funds received and provide documentation of the proposed use of these funds to the Legislative Budget Board, Governor, and Health and Human Services Commission. At least 14 days prior to any meeting of the Board of Human Services <u>the department's intent</u> to budget any use of earned federal funds above levels indicated in the appropriation above or to consider any program expansion, the department shall report the earned federal funds received and provide documentation of the proposed use of these funds to the Legislative Budget Board, Governor, and Health and Human Services Commission.</p> <p data-bbox="674 878 1976 967">(2) Notifications shall include information regarding the need which will be served with the additional revenue. In the event program expansions are under consideration, information shall be forwarded regarding the population to be served; criteria for eligibility; and impact upon existing programs.</p> <p data-bbox="674 1000 1976 1057">(3) The report shall include the information detailed in "2" and identify the impact on established performance targets, measures, and full-time equivalent positions.</p> <p data-bbox="625 1089 1934 1211">Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292, update the reporting requirements from monthly to quarterly and updating Board involvement in this process. This rider enables the deletion of rider #50 (legacy TDMHMR rider #10).</i></p>		

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17	II-72 [DHS]	<p>Child Support Supplemental Payments. Out of the funds appropriated above in Strategy B.1.1, TANF Grants, and child support collections from the Child Support Trust Fund, the department shall make supplemental payments to families receiving welfare who would be eligible to receive child support "pass through" and "first excess" payments under the Social Security Act Title IV-D child support distribution requirements prior to passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. These payments shall equal the amount of the "pass through" and "first excess" payment the family would have received under prior law. Child support collections shall comprise a portion of each total payment. The portion of the total payment funded with child support collections shall equal the state share of the Federal Medical Assistance Percentage (FMAP) for the fiscal year. If child support "pass through" or "first excess" payment distribution requirements are modified by federal law after enactment of this provision, the department, in cooperation with the Office of the Attorney General, shall adjust the supplemental payments as necessary to be consistent with federal law and to not exceed the total the family would have received prior to welfare reform. The department shall report any change to child support supplemental payments to the Governor and Legislative Budget Board.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to a Human Service Program that is no longer overseen by the Department of Aging and Disability Services.</i></p>		
18	II-72 [DHS]	<p>Temporary Emergency Assistance for Families At-Risk of Welfare Dependency. Out of funds appropriated above in Strategy B.1.1, TANF Grants, the department shall provide a onetime emergency assistance payment to applicants for Temporary Assistance for Needy Families (TANF) who are likely to be employed within a short period of time, without referral to the Choices program. It is the intent of the Legislature that the department expand the use of onetime emergency payments as a cost-effective deterrence from the TANF program.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to a Human Service Program that is no longer overseen by the Department of Aging and Disability Services.</i></p>		

Agency Code:	Agency Name:	Prepared By:	Date:	Request Level:
539	Department of Aging and Disability Services	James R. Hine	10/8/04	Base
Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language		
19	II-72 [DHS]	<p>Revolving Account for the Consolidated Health and Human Services Print Shop. It is the intent of the Legislature that the Department of Human Services <u>Department of Aging and Disability Services</u> establish and maintain the "Revolving Account for the Consolidated Health and Human Services Print Shop" to account for the expenditures, revenues, and balances of managing a full-cost recovery Consolidated Print Shop. The expenditures, revenues, and balances included above for this operation shall be maintained separately by the Department of Human Services <u>Department of Aging and Disability Services</u> within its accounting system. Any unobligated balances as of August 31, 2004, 2006, are appropriated for the same use during fiscal year 2005- <u>2007</u>. For the purpose of meeting cash flow needs, the Department of Human Services <u>Department of Aging and Disability Services</u> may temporarily transfer funds from Strategy D-1.3 <u>C.1.3</u>, Other Support Services, to the revolving account. Transfers must be returned by the end of the fiscal year.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292, update biennial dates and update strategy number.</i></p>		
20	II-72 [DHS]	<p>Appropriation Transfer Between Fiscal Years. In addition to the transfer authority provided elsewhere in this Act, the Department of Human Services <u>Department of Aging and Disability Services</u> may transfer appropriations made for fiscal year 2005 <u>2007</u> to fiscal year 2004 <u>2006</u>, subject to the following conditions provided by this section:</p> <ol style="list-style-type: none"> a. Transfers under this section may be made only: <ol style="list-style-type: none"> (1) If costs associated with providing Long Term Care Medicaid services exceed the funds appropriated for these services for fiscal year 2004 <u>2006</u>, or (2) for any other emergency expenditure requirements, including expenditures necessitated by public calamity, or (3) <u>if appropriated receipts required to fund appropriations contained in this Act for fiscal year 2006 are less than those contained in the method of finance for the department for fiscal year 2006.</u> b. Transfers may not exceed \$50,000,000 in general revenue. c. A transfer authorized by this section must receive the prior approval of the Governor and the Legislative Budget Board. d. The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending made under this section. <p>Justification for the change: <i>This rider has been updated with language from deleted the Department of Aging and Disability Services Appropriation Transfer Between Fiscal Years Rider #80, update to reflect the department name change as required in H.B. 2292 and update biennial dates. This rider enables the deletion of rider #80 (legacy TDMHMR rider #40).</i></p>		

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539	Department of Aging and Disability Services	James R. Hine	10/8/04	Base
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21	II-73 [DHS]	<p data-bbox="621 310 2011 334">Enhanced Federal Funding and High Performance Bonus for Administration of the Food Stamp Program. Enhanced federal funding is defined as funding from the federal government which exceeds the normal federal contribution toward administrative costs. High Performance Bonuses are annual incentive payments to state agencies that meet standards for high or most improved performance established by the Secretary of the U.S. Department of Agriculture. The authority to expend enhanced federal funding for administrative costs paid in a prior fiscal year is subject to the following conditions:</p> <p data-bbox="621 521 2011 578">a. Within 30 days of receiving notice of the state's eligibility for enhanced federal funding or a performance bonus, the Department of Human Services shall notify the Legislative Budget Board and the Governor;</p> <p data-bbox="621 610 2011 756">b. At least 14 days prior to any meeting of the Board of Human Services to budget enhanced federal funds or a performance bonus, the Department of Human Services shall provide documentation of the proposed use of these funds to the Legislative Budget Board, the Governor, and Health and Human Services Commission. The report shall identify the impact on established performance targets, measures, and full-time equivalent positions, and shall be prepared in a format specified by the Legislative Budget Board.</p> <p data-bbox="621 789 2011 878">c. In the event that the state receives enhanced federal funds or a performance bonus, the Department of Human Services is appropriated all funds received by the agency subject to all limitations in this rider and to the following:</p> <p data-bbox="726 911 2011 1032">(1) a portion of these funds, in each year of the biennium, shall be used by the Department of Human Services for the development and operation of a nutrition education and outreach program, or for activities that otherwise improve low-income consumers' access to basic nutrition and healthy foods; and</p> <p data-bbox="726 1065 2011 1211">(2) a portion of these funds, in each year of the biennium, shall be used by the Department of Human Services to provide bonuses to position classifications whose efforts directly contributed to meeting these performance standards, or to position classifications who meet or exceed customer service performance measures developed by the department, or whose efforts directly contributed to increasing the percentage of eligible persons who receive Food Stamps.</p> <p data-bbox="726 1243 2011 1300">(3) Any Enhanced Federal Funds or High Performance bonus received by the Department of Human Services between June 2, 2003 and August 31, 2003 is hereby appropriated to the department.</p> <p data-bbox="621 1333 2011 1422">d. Before an employee can be eligible for a bonus, the employee must have been employed in the program for the related twelve months, remains employed in the program, and whose performance meets expectations.</p>		

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21 (con't)		<p>e. The department has the authority to determine whether employees who have received bonuses under this provision are eligible for merit salary increases during a twelve-month period prior to or after receipt of the bonus</p> <p>f. The department shall prepare quarterly reports summarizing the department's progress in implementing the outreach program required in section (c) and file those reports with the standing committees of the Senate and House of Representatives having primary jurisdiction over health and human services.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to a Human Service Program that is no longer overseen by the Department of Aging and Disability Services.</i></p>		
22	II-74 [DHS]	<p>Reimbursement of Advisory Committees. Pursuant to Government Code § 2110.004, reimbursement of expenses for advisory committee members, out of funds appropriated above, not to exceed \$8,000 per fiscal year for the <u>Nursing Facility Administrators Advisory Committee</u> and \$10,285 for the <u>Aging and Disability Services Committee</u>, is limited to the following advisory committees:</p> <ul style="list-style-type: none"> a. Nursing Facility Administrators Advisory Committee b. <u>Aging and Disability Services Committee</u> <p>To the maximum extent possible, the department shall encourage the use of videoconferencing and teleconferencing and shall schedule meetings and locations to facilitate the travel of participants so that they may return the same day and reduce the need to reimburse members for overnight stays.</p> <p>Justification for the change: <i>This rider is updated to reflect the Departments new advisory committee established in H.B. 2292. This rider enables the deletion of rider #70 (legacy TDMHMR rider #30).</i></p>		

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539	Department of Aging and Disability Services	James R. Hine	10/8/04	Base
Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language		
23	II-74 [DHS]	<p>Temporary Assistance for Needy Families (TANF) Maintenance of Effort. It is the intent of the Legislature that all general revenue appropriated above for TANF maintenance of effort shall be expended within the appropriate fiscal year for that purpose in order to secure the TANF federal block grant for the state. Out of funds appropriated above in Strategy B.1.1, TANF Grants and Strategy B.1.2, CSS Eligibility and Issuance Services, \$105,108,501 in general revenue is appropriated for TANF maintenance of effort for fiscal year 2004, and \$104,028,853 in general revenue is appropriated for TANF maintenance of effort for fiscal year 2005. None of the general revenue appropriated for TANF maintenance of effort in Strategy B.1.1, TANF Grants and Strategy B.1.2, CSS Eligibility and Issuance Services, may be transferred to any other item of appropriation or expended for any purpose other than the specific purpose for which the funds are appropriated. However, general revenue appropriated for TANF maintenance of effort may be transferred to Strategy B.1.2, CSS Eligibility and Issuance Services, subject to the following limitations:</p> <p>a. Declines or shifts in TANF caseloads prevent the Department of Human Services from expending all general revenue appropriated for TANF maintenance of effort in Strategy B.1.1, TANF Grants and Strategy B.1.2, CSS Eligibility and Issuance Services, within the appropriate fiscal year;</p> <p>b. The amount of general revenue transferred from Strategy B.1.1, TANF Grants, shall be expended within Strategy B.1.2, CSS Eligibility and Issuance Services, for TANF program operating costs (object of expense 2000), within the appropriate fiscal year; and</p> <p>c. At least 14 days prior to transferring general revenue funds between Strategy B.1.1, TANF Grants and Strategy B.1.2, CSS Eligibility and Issuance Services, the Department of Human Services shall notify the Legislative Budget Board and the Governor.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to a Human Service Program that is no longer overseen by the Department of Aging and Disability Services.</i></p>		
24	II-74 [DHS]	<p>Earned Income Disregard. It is the intent of the Legislature that out of amounts appropriated above to Strategy B.1.1, TANF Grants, the Department of Human Services is to maintain the earned income disregard for working TANF families. When determining eligibility and benefits, the department shall exclude \$120 of earnings and 90 percent of the remaining earnings for each of the first four months of employment by a recipient. After the first four months of employment, the department shall exclude \$120 of a recipient's earnings each month.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to a Human Service Program that is no longer overseen by the Department of Aging and Disability Services.</i></p>		

Agency Code:		Agency Name:		Prepared By:	Date:	Request Level:
539		Department of Aging and Disability Services		James R. Hine	10/8/04	Base
Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language				
25	II-74 [DHS]	<p>Survey of Nursing Facility Residents. Out of funds appropriated above in Strategy A.1.6 <u>A.6.1</u> Nursing Facility and Hospice Payments, the Department of Human Services <u>Department of Aging and Disability Services</u> is allocated</p> <p>a. Up to \$360,000 in all funds, of which up to \$180,000 is general revenue, in fiscal year 2004 <u>2006</u> to conduct a survey of nursing facility residents. The survey shall assess how satisfied residents are with their quality of care and quality of life. Not later than January 15, 2005 <u>2007</u>, the department shall submit a written report on the survey to the Legislature, Governor, and Health and Human Services <u>Executive</u> Commissioner;</p> <p>b. Up to \$1,000,000 in all funds, of which up to \$500,000 is general revenue, to perform onsite case reviews of nursing home resident care in specific quality areas. Using measurement tools developed in the Quality Improvement pilot, these reviews will identify preventable occurrences of adverse outcomes. The result of these reviews will be included in the report to the Legislature, Governor and Health and Human Services <u>Executive</u> Commissioner described in (a) above.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292, biennial dates, strategy number and HHSC title change.</i></p>				
26	II-75 [DHS]	<p>TANF Grants. It is the intent of the Legislature that the department shall adjust the TANF grant amount each year to ensure that the maximum monthly grant for a family of three is at least 17 percent of the federal poverty level and provide a one-time per year grant of up to \$30 for each TANF child on August 1 of each year.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to a Human Service Program that is no longer overseen by the Department of Aging and Disability Services.</i></p>				

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539	Department of Aging and Disability Services	James R. Hine	10/8/04	Base
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27	II-75 [DHS]	<p>Full-time Equivalent Positions (FTE) Local and Federal Funds. Only local funds (appropriated receipts) and federal funds may be used to pay salaries, benefits or related costs for the Number of Full-time Equivalent Positions (FTE) Local and Federal Funds, identified above. The following are included within this cap: 583 worker FTE positions in Strategy B.1.2, CSS Eligibility and Issuance Services, 126 FTE positions in Strategy B.1.3, Nutrition Assistance, 25 FTE positions in Strategy B.1.4, Refugee Assistance, and 16.0 FTE positions in A.1.5, LTC Eligibility and Service Planning. The Department of Human Services may utilize the FTE authority contained in the Number of Full-time Equivalent Positions (FTE) Local and Federal Funds only to the extent that local and federal funds are readily available. Under no circumstances may unfilled FTE positions from the Number of Full-time Equivalent Positions (FTE) Local and Federal Funds be transferred to the Number of Full-time Equivalent Positions (FTE) State and Federal Funds.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to a Human Service Program that is no longer overseen by the Department of Aging and Disability Services.</i></p>		
28	II-75 [DHS]	<p>Promoting Independence. It is the intent of the Legislature that as clients relocate from nursing facilities to community care services, funds will be transferred from Nursing Facilities to Community Care Services to cover the cost of the shift in services.</p> <p>Justification for the change: <i>There is no change requested for this rider. It should continue in its current state for the Department of Aging and Disability Services.</i></p>		
29	II-75 [DHS]	<p>Nursing Facility Beds for Medicaid Eligible Veterans. Contingent upon a request from the Texas Veterans Land Board, it is the intent of the Legislature that the Department of Human Services <u>Department of Aging and Disability Services</u> maintain a program for Medicaid-eligible veterans that will enable those individuals to be placed in State Veterans Homes. It is further the intent of the Legislature that the department amend its nursing facility bed allocation rules to create sufficient certified beds to accommodate the requirements of such a program.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292.</i></p>		

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Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language		
30	11-75 [DHS]	<p>Texas Integrated Eligibility Redesign Systems (TIERS). Out of funds appropriated above in fiscal years 2004-05 in Strategy B.1.2, CSS Eligibility and Issuance Services, the Department of Human Services is allocated (for the biennium) \$23,367,343 in General Revenue, \$27,000,000 in Telecommunication Infrastructure Funds, \$55,836,840 in Federal Funds, and \$17,014,926 in Revenue Bond Proceeds, totaling \$123,219,109 in All Funds. The department shall make quarterly reports to the Legislative Budget Board and the Governor on the TIERS project as well as quarterly budgeted amounts, actual expenditures, and the status of contracted services, as well as any other information requested. All contracts relating to this project shall include performance measures.</p> <p>To fund the plan, the department may seek funding from the most cost effective type of financing, including but not limited to cash acquisition, commercial financing, and financing provided by the Texas Public Finance Authority. The Texas Public Finance Authority may issue revenue bonds or other debt obligations to finance the design, development, acquisition, and implementation of automated data processing systems to support the plan. As provided by Government Code, Chapter 1232, Vernon's Texas Civil Statutes, in recognition that cost estimates are not final at the time that the project is authorized for financing and that bonds may be issued to fund associated costs, including reasonably required reserve funds, capitalized interest, administrative costs of the authority and debt issuing expenses, the principal amount of any issuance of debt for this purpose may be in an amount not to exceed one and one-half the amount of the expected cost for the project being financed. From the proceeds of the issuance and sale of such bonds or debt obligations, such amounts as may be necessary to fund the associated costs of issuances are hereby appropriated to the Texas Public Finance Authority for the fiscal biennium beginning September 1, 2003. From any funds appropriated to the Department of Human Services for the purpose of implementing the project, an amount not to exceed \$4,186,754 (amounts needed for debt service) for the biennium in all funds may be transferred to the Texas Public Finance Authority for lease payments to the Texas Public Finance Authority to pay debt service on the obligations issued by the Texas Public Finance Authority on behalf of the department for the above-mentioned project.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to a Human Service Program that is no longer overseen by the Department of Aging and Disability Services.</i></p>		

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539	Department of Aging and Disability Services	James R. Hine	10/8/04	Base
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31	II-76 [DHS]	<p>Community Care Assessment Tool. Out of funds appropriated above, the Department of Human Services shall develop a new functional needs assessment tool for eligibility for community care programs for aged and disabled clients, which takes into consideration any other evaluation/assessment tools utilized by other state agencies and other states. The tool shall take into consideration innovations in technology with assistive devices. The assessment tool shall be evaluated for validity by an independent third party as an assessment tool for ensuring that clients with the greatest functional needs are identified for services. The assessment tool shall ensure that a client's family resources, monetary, community resources and otherwise, are taken into consideration in calculation of hours of assistance needed. The scoring instrument will be used in conjunction with program services to ensure that clients with scores identifying the greatest needs are prioritized for services. It is the intent of the Legislature that the department provide a status report on progress in developing the tool to the Legislative Budget Board and the Governor by September 1, 2004 and that the tool be fully implemented by January 1, 2005.</p> <p>Justification for the change: <i>This rider is no longer necessary as the Assessment Tool will be developed and implemented during the current biennium.</i></p>		
32	II-76 [DHS]	<p>Capital Purchases on Behalf of other Government Entities or Service Providers. Any capital items purchased by the Department of Human Services <u>Department of Aging and Disability Services</u> for use by local governmental entities for which the department is reimbursed do not apply to the department for the purpose of the capital budget rider limitations specified in Article IX, Limitation on Expenditures– Capital Budget, of the General Provisions of this Act.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292.</i></p>		
33	II-76 [DHS]	<p>TANF Separate State Program. It is the intent of the Legislature that out of amounts appropriated in Strategy B.1.1, TANF Grants, the department, shall use funds other than TANF federal funds to provide assistance to low parent families, and may use funds other than TANF federal funds to provide assistance to families residing in minimum service counties.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to a Human Service Program that is no longer overseen by the Department of Aging and Disability Services.</i></p>		

Agency Code:	Agency Name:	Prepared By:	Date:	Request Level:
539	Department of Aging and Disability Services	James R. Hine	10/8/04	Base
Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language		
34	II-76 [DHS]	<p>Motor Vehicle Allowance for Certain Recipients. It is the intent of the Legislature that the Board of the Department of Human Services shall determine the vehicle limit amount in determining eligibility for services. The vehicle limit amount shall be established within available appropriations and a level which will provide adequate, dependable transportation for clients.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to a Human Service Program that is no longer overseen by the Department of Aging and Disability Services.</i></p>		
35	II-76 [DHS]	<p>Centers of Excellence. It is the intent of the Legislature that out of amounts appropriated above to Strategy A.2.1 B.1.1, Long-term Care Facility Regulation and funds obtained through a grant from a national foundation, the Department of Human Services Department of Aging and Disability Services shall allocate funds for a Centers for Excellence program. The department shall partner with an institution of higher education to promote positive outcomes for the residents of Long Term Care facilities, identify best practices and improve service delivery. Not later than January 15, 2005, the department shall submit to the Legislature and the Governor a report which identifies progress made towards achieving these goals.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292, is updated for strategy number change, remove specific date of report and strike reference to grant funding.</i></p>		
36	II-77 [DHS]	<p>Payment of August 2005 Nursing Home Payment. Funds appropriated above include a reduction of \$142,500,000 in All Funds, including \$56,686,500 in General Revenue Match for Medicaid in Strategy A.1.6, Nursing Facility and Hospice Payments, for the August 2005 nursing home payment. The Department of Human Services Department of Aging and Disability Services is authorized to defer payment of the August 2005 <u>2007</u> payment until September of 2005 <u>2007</u>.</p> <p>Justification for the change: <i>This rider is updated to reflect appropriation biennial dates and delete amounts not yet calculated for this submission. Historically the LBB calculated the amount with consultation with the department.</i></p>		

Agency Code:	Agency Name:	Prepared By:	Date:	Request Level:
539	Department of Aging and Disability Services	James R. Hine	10/8/04	Base
Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language		
37	II-77 [DHS]	<p>Community Care Waiver Slots. It is the intent of the Legislature that the Department of Human Services will not expand the base number of appropriated waiver slots through Rider 28 transfers. Clients utilizing Rider 28 shall remain funded separately through transfers from the Nursing Facility strategy, and those slots shall not count against the total appropriated community care slots. Rider 28 funding through the nursing facility strategy shall be maintained for those clients as long as the individual client remains in the transferred slot. When a Rider 28 client leaves a waiver program, any remaining funding for the biennium shall remain in the nursing facility strategy. Funds transferred from Nursing Facilities shall remain in Community Care in order to rebalance the system to consumer demand.</p> <p>If the department determines available revenue within community care strategies requires a reduction in the base number of slots for waiver programs, the department shall utilize attrition to meet appropriated levels.</p> <p>Justification for the change: <i>This rider is recommended for deletion as it is the intent of the department to have the funds that are transferred as the result of rider 28 to be permanent transfers and the funds would not be transferred back to the Nursing Facilities Strategy.</i></p>		
38	II-77 [DHS]	<p>Community Care Services. It is the intent of the Legislature that the Department of Human Services shall implement a community care assessment tool that focuses primarily on a client's ability to perform functional tasks. Any resulting savings shall be utilized to maintain services to the most vulnerable clients, and also minimize reductions in service levels for all clients.</p> <p>Justification for the change: <i>This rider needs to be deleted in conjunction with rider 31.</i></p>		
39	II-77 [DHS]	<p>Contingency Related to Reduction of TANF-funded Transportation Services. Contingent upon the enactment of House Bill 2292, House Bill 3343, or similar legislation by the Seventy-eighth Legislature, Regular Session, authorizing the coordination of statewide public transportation, the amount of federal funds appropriated above in Strategy B.1.1, TANF Grants, is increased by \$3,568,239 in fiscal year 2004 and \$3,570,798 in fiscal year 2005. The amount of General Revenue appropriated above in Strategy B.1.1, TANF Grants, is reduced by \$3,568,239 in fiscal year 2004 and \$3,570,798 in fiscal year 2005.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to a Human Service Program that is no longer overseen by the Department of Aging and Disability Services.</i></p>		

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539	Department of Aging and Disability Services	James R. Hine	10/8/04	Base

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40	II-77 [DHS]	<p>Maximization of Community Care Services. The Department of Human Services shall maximize services utilizing the most efficient and effective combination of functional needs score and hours of service to best meet the needs of community care clients. It is the intent of the Legislature that the department utilize all available flexibility to ensure the maximization of community care resources.</p> <p>Justification for the change: <i>This rider was intended to give guidance to the department based on the outcomes of H.B. 1, 78th Legislature.</i></p>

4 41	II-81 [MHMR]	<p>LIMITATIONS ON EXPENDITURES</p> <p>Capital Budget. None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease payments to the Master Lease Purchase Program" or for items with an "(MLPP)" notation shall be expended only for the purpose of making lease purchase payments to the Texas Public Finance Authority pursuant to the provisions of Government Code § 1232.103.</p> <table border="0"> <thead> <tr> <th></th> <th style="text-align: right;"><u>2004</u></th> <th style="text-align: right;"><u>2005</u></th> </tr> </thead> <tbody> <tr> <td>a. Repair or Rehabilitation of Buildings and Facilities</td> <td></td> <td></td> </tr> <tr> <td> (1) Repairs or Rehabilitation of Buildings and Facilities</td> <td style="text-align: right;">19,597,124</td> <td style="text-align: right;">33,250,000</td> </tr> <tr> <td>b. Acquisition of Information Resource Technologies</td> <td></td> <td></td> </tr> <tr> <td> (1) Acquisition of Information Resource Technologies - Pharmacy System Replacement</td> <td style="text-align: right;">684,833</td> <td style="text-align: right;">0</td> </tr> <tr> <td> (2) Acquisition of Information Resource Technologies - Phone System Replacement</td> <td style="text-align: right;">939,513</td> <td style="text-align: right;">939,514</td> </tr> <tr> <td> Total, Acquisition of Information Resource Technologies</td> <td style="text-align: right;">1,624,346</td> <td style="text-align: right;">939,514</td> </tr> <tr> <td>c. Acquisition of Capital Equipment and Items</td> <td></td> <td></td> </tr> <tr> <td> (1) Acquisitions of Capital Equipment and Items at State Facilities</td> <td style="text-align: right;">1,790,411</td> <td style="text-align: right;">1,790,412</td> </tr> <tr> <td>d. Other Lease Payments to the Master Lease Purchase Program (MLPP)</td> <td></td> <td></td> </tr> </tbody> </table>		<u>2004</u>	<u>2005</u>	a. Repair or Rehabilitation of Buildings and Facilities			(1) Repairs or Rehabilitation of Buildings and Facilities	19,597,124	33,250,000	b. Acquisition of Information Resource Technologies			(1) Acquisition of Information Resource Technologies - Pharmacy System Replacement	684,833	0	(2) Acquisition of Information Resource Technologies - Phone System Replacement	939,513	939,514	Total, Acquisition of Information Resource Technologies	1,624,346	939,514	c. Acquisition of Capital Equipment and Items			(1) Acquisitions of Capital Equipment and Items at State Facilities	1,790,411	1,790,412	d. Other Lease Payments to the Master Lease Purchase Program (MLPP)		
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(1) Acquisitions of Capital Equipment and Items at State Facilities	1,790,411	1,790,412																														
d. Other Lease Payments to the Master Lease Purchase Program (MLPP)																																

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4 <u>41</u> (con't)		(1) Lease Payments to Master Lease Program —MLPP Acquisitions (1992-1995)	1,675,300	435,520	
		(2) Lease Payments to TPFA—Debt Service on General Obligation Bonds	80,205	919,282	
		Total, Other Lease Payments to the Master Lease Purchase Program (MLPP)	1,755,505	1,354,802	
		Total, Capital Budget	24,767,386	37,334,728	
		Method of Financing (Capital Budget):			
		General Revenue Fund	1,755,505	1,354,802	
		GR-Dedicated—Texas Capital Trust Fund Account —No. 543	2,929,924	2,929,926	
		Federal Funds	81,957	0	
		Bond Proceeds—General Obligation Bonds	20,000,000	33,050,000	
		Total, Method of Financing	24,767,386	37,334,728	
Justification for the change: <i>This rider has been replaced with the Department of Aging and Disability Services Capital Budget rider #1.</i>					
2 <u>42</u>	II-82 [MHMR]	Limitation of Specific Strategy Transfers. The transfer of appropriations from Strategy B.1.1, MH State Hospital Services, to any other strategy is limited to 10 percent and the transfer of appropriations from Strategy D.1.1 A.8.1, MR State School Services, to any other strategy is limited to 5 percent without the prior approval of the Legislative Budget Board and the Governor.			
Justification for the change: <i>This rider is updated to remove the portions that pertain to MH functions that are no longer overseen by the Department of Aging and Disability Services and update strategy number for MR State Schools Services.</i>					

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3 43	II-82 [MHMR]	<p data-bbox="627 313 1203 337">Medicaid and Other Reporting Requirements.</p> <p data-bbox="627 370 1982 427">a. None of the funds appropriated by this Act to the Texas Department of Mental Health and Mental Retardation may be expended or distributed by the department unless:</p> <p data-bbox="705 459 1927 548">(1) the department submits to the Legislative Budget Board and the Governor a copy of each report submitted to the federal government relating to the Medicaid program. This shall include, but is not limited to:</p> <ul style="list-style-type: none"> <li data-bbox="768 557 1045 581">(i) expenditure data; <li data-bbox="768 589 1014 613">(ii) caseload data; <li data-bbox="768 621 1045 646">(iii) interest earnings; <li data-bbox="768 654 1182 678">(iv) State plan amendments; and <li data-bbox="768 686 1066 711">(v) State plan waivers. <p data-bbox="768 735 1990 792">Such reports shall be submitted to the Legislative Budget Board and the Governor no later than the date the respective report is submitted to the federal government, and</p> <p data-bbox="705 824 1990 946">(2) the department submits to the Legislative Budget Board and the Governor at the end of each quarter: i.) a report detailing the Medicaid and Medicare caseload figures and related expenditure amounts for the preceding month; and ii.) a report projecting the anticipated Medicaid and Medicare caseloads for the 36 months period beginning with the first month after the report is due;</p> <p data-bbox="705 979 1976 1092">(3) the Department of Mental Health and Mental Retardation submits data to the Legislative Budget Board and the Governor by the end of each month pertaining to the actuarial data and forecasts of caseloads and costs for the programs identified in subsection a(2). The data shall be sent in a manner to be specified by the Legislative Budget Board and the Governor.</p> <p data-bbox="627 1133 1959 1247">b. Each report submitted to the Legislative Budget Board and the Governor pursuant to this provision must be accompanied by supporting documentation detailing the sources and methodologies utilized to develop any caseload or cost projections contained in each respective report and any other supporting materials as specified by the Legislative Budget Board and the Governor.</p> <p data-bbox="627 1287 1923 1369">c. Each report submitted pursuant to this provision must contain a certification by the person submitting the report, that the information provided is true and correct based upon information and belief together with supporting documentation.</p>		

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3 43 (con't)		<p>d. The Comptroller of Public Accounts shall not allow the expenditure of funds appropriated by this Act to the Texas Department of Mental Health and Mental Retardation if the Legislative Budget Board and the Governor certify to the Comptroller of Public Accounts that the Department of Mental Health and Mental Retardation is not in compliance with this provision.</p> <p>Justification for the change: <i>This rider has been replaced with the Department of Aging and Disability Services Medicaid and Other Program Reporting Requirements rider #15.</i></p>		
4 44	II-83 [MHMR]	<p><u>REVENUE CLASSIFICATION</u></p> <p><u>MHMR Collections for Patient Support and Maintenance.</u></p> <p>a. <u>Definition.</u> For the purposes of this section and appropriation authority for the Department of Mental Health and Mental Retardation, MHMR Collections for Patient Support and Maintenance are defined as reimbursements received for health and other services provided to individuals in state hospitals, state operated community services, state operated intermediate care facilities for the mentally retarded (ICF-MR) and state schools from third party payers including insurance companies, clients, relatives, trusts and estates, and government retirement benefit programs including the US Civil Service, Federal Railroad, State, Social Security, Teacher and Veteran's Administration.</p> <p>b. <u>Classification for depositing revenues and reporting of expenditures.</u> For the purpose of revenue classification for depositing and expending certain collections related to the support and maintenance of patients, the following Revenue Object Codes as defined by the Comptroller of Public Accounts shall be used for recording collections, reporting expenditures, and requesting legislative appropriations by the Department of Mental Health and Mental Retardation:</p> <p>(1) Revenue Object Codes 3595, 3606, 3614, and 3618 as defined by the Comptroller of Public Accounts shall be used to record collections and deposits from the above defined sources into the General Revenue Fund</p> <p>(i) 3595: Medical Assistance Cost Recovery (ii) 3606: Support and Maintenance of Patients (iii) 3614: Counseling, Care and Treatment of Outpatients (iv) 3618: Welfare/MHMR Service Fees (Child Support)</p>		

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4 <u>44</u> (con't)		<p data-bbox="709 302 1997 423">(2) Automated Budget and Evaluation System of Texas (ABEST) Method of Financing (MOF) Code 8031-MHMR Collections for Patient Support and Maintenance shall be used to report expenditures and request legislative appropriations from collections/deposits made to Revenue Object Codes 3595, 3606, 3614, and 3618.</p> <p data-bbox="632 451 1997 724">e. Appropriation authority and accounting for expenditures of MHMR Collections for Patient Support and Maintenance. The Department of Mental Health and Mental Retardation is authorized to receive and expend MHMR Collections for Patient Support and Maintenance as a first source, and general revenue shall be used as a second source, to support the state hospitals, state operated intermediate care facilities for the mentally retarded (ICF-MR), and state operated community services. In the event that these revenues should be greater than the amounts identified in the method of financing above as MHMR Collections for Patient Support and Maintenance, the department is hereby appropriated and authorized to expend these state funds hereby made available. The expenditure of MHMR Collections for Patient Support and Maintenance is subject to the following requirements:</p> <p data-bbox="709 756 1997 816">(1) Amounts available shall be expended prior to utilization of any general revenue available for the same purpose;</p> <p data-bbox="709 846 1997 967">(2) In the event general revenue has been expended prior to the receipt of MHMR Collections for Patient Support and Maintenance, the department shall reimburse general revenue upon receipt of the revenue. This process shall be completed on a monthly basis in order to maintain a minimum balance on hand in excess MHMR Collections for Patient Support and Maintenance; and</p> <p data-bbox="709 997 1997 1089">(3) The department shall report monthly to the Legislative Budget Board, Comptroller of Public Accounts, and Governor on MHMR Collections for Patient Support and Maintenance, expenditures and anticipated revenues and balances.</p> <p data-bbox="632 1118 1997 1240">d. Responsibility for proportionate share of indirect costs and benefits. The Department of Mental Health and Mental Retardation shall ensure that MHMR Collections for Patient Support and Maintenance fund their proportionate share of benefits and statewide allocated indirect costs as required and directed in Article IX of this act.</p>		

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4 44 (con't)		<p>e. Exclusive appropriation authority. The preceding subsections of this rider shall be the exclusive appropriation authority for receipts from the above identified sources and none of these receipts shall be appropriated by a provision of Article IX of this Act.</p> <p>Justification for the change: <i>This rider is recommended for deletion as this method of finance (MOF) is being requested in the department's Legislative Appropriations Request and is an established MOF in ABEST. The original intent of this rider was to capture (MOF) information that did not exist in ABEST at the time of the LAR development. This request standardizes the appropriations request and reporting procedures as it relates to Method of Finance for the new department.</i></p>		
5 45	II-84 [MHMR]	<p>Funds for the Medicaid Program. For the purposes of this section and appropriation authority for the Medicaid Program responsibilities of the Department of Mental Health and Mental Retardation (TDMHMR), the following subsections provide governance relating to appropriate use, classification and expenditure of funds:</p> <p>a. General Revenue Match for Medicaid. ABEST Method of Financing Code 758 GR Match for Medicaid shall be used to report general revenue expenditures and request general revenue appropriations for the state's share of Medicaid payments for the following Medicaid services:</p> <ul style="list-style-type: none"> (1) Community-based Intermediate Care Facilities for the Mentally Retarded (ICF-MR) that are privately operated through contractual arrangements between private providers and the department; (2) Community-based Intermediate Care Facilities for the Mentally Retarded (ICF-MR) that are operated by the State/department; (3) Home and Community-based Services (HCS) authorized by a 1915(c) federal waiver and provided by state-operated community centers; (4) Home and Community-based Services (HCS) authorized by a 1915(c) federal waiver and provided through contractual arrangements between private providers and the department; (5) Home and Community-based Services Omnibus Budget Reconciliation Act of 1981 (HCS-O) authorized by a 1915(c) federal waiver and provided by state-operated community centers; (6) Home and Community-based Services Omnibus Budget Reconciliation Act of 1981 (HCS-O) authorized by a 1915(c) federal waiver and provided through contractual arrangements between private providers and the department; 		

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5 <u>45</u> (con't)	II-84 [MHMR]	<p data-bbox="678 310 1430 337">(7) Mental Retardation Local Authority (MRLA) waiver services;</p> <p data-bbox="678 370 1995 427">(8) MHMR Medicaid services provided through contracts with Behavioral Health Organizations as a component of the NorthSTAR Project; and</p> <p data-bbox="678 459 1923 516">(9) Salaries and operating costs related to direct program administration and indirect administration of the department.</p> <p data-bbox="632 540 1980 686">b. General Revenue Certified as Match for Medicaid. The Department of Mental Health and Mental Retardation shall use ABEST Method of Financing code 8032 – General Revenue Certified Match for Medicaid to identify general revenue funds requested and reported as expended for the purpose of drawing federal funds and to document that State funds have been spent for Medicaid services and administrative expenditures for the following services:</p> <p data-bbox="678 719 1938 776">(1) Intermediate care facilities for the mentally retarded that are operated by the State and known as “state schools”;</p> <p data-bbox="678 808 1923 898">(2) Services delivered in hospitals operated by the Department of Mental Health and Mental Retardation including inpatient services for clients under the age of 21 and services that qualify under the federally approved Institutions for Mental Diseases (IMD) option for clients over the age of 65;</p> <p data-bbox="678 930 1902 987">(3) Rehabilitation Services as approved in the State Medicaid Plan which are provided by Mental Health Authorities and Mental Retardation Authorities;</p> <p data-bbox="678 1019 2001 1076">(4) Service Coordination Services as approved in the State Medicaid Plan provided by Mental Health Authorities and Mental Retardation Authorities; and</p> <p data-bbox="678 1109 2001 1166">(5) Medicaid Administrative Claims as approved in the State Medicaid Plan which are based on certain activities of Mental Health Authorities and Mental Retardation Authorities.</p> <p data-bbox="632 1190 1938 1369">c. Reporting requirements related to General Revenue Matching Funds for the Medicaid Program. The Department of Mental Health and Mental Retardation shall report monthly to the Legislative Budget Board, Comptroller of Public Accounts and Governor on the expenditures of General Revenue for Medicaid federal matching purposes by the method of financing codes identified above and the amounts of local, non-profit expenditures certified as state match for Medicaid federal funds by the department for services provided by Mental Health Authorities and Mental Retardation Authorities.</p>		

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5 45 (con't)		<p>d. Medicaid Federal Funds. The Department of Mental Health and Mental Retardation shall report its expenditures and request legislative appropriations for federal Medicaid matching funds for client services, program administration and agency indirect administration. Automated Budgeting and Evaluation System of Texas (ABEST) Method Financing Code (MOF) 555 and Medicaid CFDA 93.778 shall be used for the following:</p> <p>(1) Federal funds drawn from the US Centers for Medicare and Medicaid Services (CMS) using general revenue funds classified as General Revenue Match for Medicaid (ABEST MOF Code 758), General Revenue Certified as Match for Medicaid (ABEST MOF Code 8032), Tobacco Settlement Receipts Match for Medicaid (ABEST MOF Code 8024) or Tobacco Receipts Certified as Match for Medicaid (ABEST MOF Code 8023);</p> <p>(2) Federal funds drawn from CMS using the department's certification of local, nonprofit expenditures made by the Mental Health Authorities and Mental Retardation Authorities on behalf of Medicaid-eligible individuals;</p> <p>(3) Federal funds received from CMS for services rendered to certain Medicaid-eligible individuals over the age of 65 by federally recognized Institutions for Mental Diseases (IMD Medicaid option) based on billings from hospitals operated by the Department of Mental Health and Mental Retardation to the claims processing agent for the Texas Medicaid program in its capacity as the State's fiscal agent for certain Medicaid payments; and</p> <p>(4) Federal funds received from CMS for general Medicaid health services including the Comprehensive Care Program for children based on billings from the facilities operated by the Department of Mental Health and Mental Retardation to the claims processing agent for the Texas Medicaid program in its capacity as the State's fiscal agent for certain Medicaid payments.</p> <p>e. Appropriation authority and accounting for Federal Funds for the Medicaid Program. Amounts defined as Medicaid Federal Funds shall be used as a first source, and general revenue which was not used as matching funds shall not be used to fund Medicaid-eligible services. In the event that these revenues should be greater than \$754,073,148 in 2004 and \$760,703,219 in 2005 as included above in Federal Funds, the department is hereby appropriated and authorized to expend these federal funds made available, subject to the following requirements:</p> <p>(1) Amounts made available shall be expended prior to utilization of any general revenue made available for the same purpose;</p>		

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5 <u>45</u> (con't)		<p data-bbox="678 339 1969 428">(2) In the event general revenue has been expended prior to the receipt of Medicaid Federal Funds, the department shall reimburse general revenue upon receipt of the revenue. This process shall be completed on a monthly basis in order to not have an excess balance of Medicaid Federal Funds; and</p> <p data-bbox="678 461 1969 518">(3) The department shall report monthly to the Legislative Budget Board, Comptroller of Public Accounts and Governor on the amounts of Medicaid Federal Funds drawn and expended.</p> <p data-bbox="625 550 1990 704">f. Responsibility for proportionate share of indirect costs and benefits. Nothing in this provision shall exempt the department from provisions of Article IX of this Act which apply equally to direct recoveries of benefits and indirect costs and to amounts recovered through an approved rate structure for services provided. Specifically, the department does not have appropriation authority for Medicaid federal funds claimed on behalf of services provided by other agencies, including:</p> <ul style="list-style-type: none"> <li data-bbox="678 737 1990 794">(1) health and retirement services for active and retired TDMHMR employees paid by the Employee Retirement System; <li data-bbox="678 826 1990 883">(2) Social Security payments, salary increases authorized in General Provisions, and Benefit Replacement Pay for TDMHMR employees paid by the Comptroller of Public Accounts; <li data-bbox="678 915 1829 940">(3) Debt service amounts paid on behalf of TDMHMR by the Texas Public Finance Authority; and <li data-bbox="678 980 1969 1037">(4) Indirect cost allocation plans negotiated with CMS for the purposes of the State-wide Cost Allocation Plan (SWCAP). <p data-bbox="625 1070 1990 1159">g. Exclusive Appropriation Authority. The preceding subsections of this provision shall be the exclusive appropriation authority for Medicaid Federal Fund receipts from the above identified sources and none of these receipts shall be appropriated by a provision of Article IX of this Act.</p> <p data-bbox="625 1192 1940 1370">Justification for the change: <i>This rider is recommended for deletion as this method of finance (MOF) is being requested in the department's Legislative Appropriations Request and is an established MOF in ABEST. The original intent of this rider was to capture (MOF) information that did not exist in ABEST at the time of the LAR development. This request standardizes the appropriations request and reporting procedures as it relates to Method of Finance for the new department.</i></p>		

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Current Rider Number 6 <u>46</u>	Page Number in 2004-05 GAA II-87 [MHMR]	Proposed Rider Language		
		<p>MHMR Appropriated Receipts.</p> <p>a. Definition. For the purposes of this section and appropriation authority for the Department of Mental Health and Mental Retardation, MHMR Appropriated Receipts are defined as revenues deposited by the Department of Mental Health and Mental Retardation into the following Revenue Object Codes as defined by the Comptroller of Public Accounts:</p> <ul style="list-style-type: none"> (1) 3628: Dormitory, Cafeteria, and Merchandise Sales (2) 3719: Fees for Copies or Filing of Records (3) 3738: Grants-Cities/Counties (4) 3739: Grants-Other Political Subdivisions (5) 3740: Grants/Donations-Operating/Capital Grants and Contributions (6) 3750: Sale of Furniture & Equipment (7) 3752: Sale of Publication/Advertising (General) (8) 3754: Other Surplus/Salvaged Property/Material Sales (9) 3767: Supplies/Equipment/Services/Federal/Other (General) (10) 3769: Forfeitures (11) 3773: Insurance & Damages (12) 3802: Reimbursements-Third Party (13) 3806: Rental of Housing to State Employees <p>b. Reporting. ABEST Method of Financing Code 8033 -MHMR Appropriated Receipts shall be used to report expenditures and request legislative appropriations from the Revenue Object Codes identified above.</p> <p>c. Appropriation authority and accounting for MHMR Appropriated Receipts. Amounts defined as MHMR Appropriated Receipts shall be deposited into the General Revenue Fund according to the identified Revenue Object Codes above. The Department of Mental Health and Mental Retardation is authorized to receive and expend MHMR Appropriated Receipts as a first source, and general revenue shall be used as a second source. In the event that these revenues should be greater than the amounts identified in the method of financing above as MHMR Appropriated Receipts, the department is hereby appropriated and authorized to expend these state funds hereby made available. The expenditure of MHMR Appropriated Receipts is subject to the following requirements:</p>		

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6 <u>46</u> (con't)		<p>(1) — Amounts available shall be expended prior to utilization of any general revenue available for the same purpose. In the event general revenue must be expended, the agency will provide prior notification to the Legislative Budget Board and the Governor;</p> <p>(2) — In the event general revenue has been expended prior to the receipt of MHMR Appropriated Receipts as defined above, the department shall reimburse general revenue upon receipt of the revenue. This process shall be completed on a monthly basis in order to maintain a minimum balance on hand in excess MHMR Appropriated Receipts; and</p> <p>(3) — The department shall report monthly to the Legislative Budget Board, Comptroller of Public Accounts and Governor on MHMR Appropriated Receipts collections by Revenue Object Code, expenditures and anticipated revenues and balances.</p> <p>d. — Exclusive appropriation authority. The preceding subsections of this provision shall be the exclusive appropriation authority for Appropriated Receipts from the above identified sources and none of these receipts shall be appropriated by a provision of Article IX of this Act.</p> <p>Justification for the change: <i>This rider is recommended for deletion as this method of finance (MOF) is being requested in the department's Legislative Appropriations Request and is an established MOF in ABEST. The original intent of this rider was to capture (MOF) information that did not exist in ABEST at the time of the LAR development. This request standardizes the appropriations request and reporting procedures as it relates to Method of Finance for the new department.</i></p>		

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		<p>Texas Capital Trust Fund Account No. 543.</p> <p>a. Definition. For the purposes of this section and appropriation authority, general revenue dedicated funds referred to as Texas Capital Trust Fund Account No. 543 (Chapter 2201, Government Code) are defined as revenues deposited by the Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u> into the following Revenue Object Codes as defined by the Comptroller of Public Accounts:</p> <ul style="list-style-type: none"> (1) 3340: Land Easements (2) 3341: Grazing Lease Rental (3) 3344: Sand, Shell, Gravel and Timber Sales (4) 3349: Land Sales (5) 3746: Rental of Lands and Buildings (6) 3747: Rental - Other (7) 3851: Interest on State Deposits <p>b. Appropriation authority and accounting for Texas Capital Trust Fund Account No. 543. For the purpose of revenue classification for expending and depositing certain collections related to the Texas Capital Trust Fund Account No. 543, ABEST Method of Finance Code 543 shall be used to report expenditures and request legislative appropriations from collections/deposits made to Revenue Object Codes 3340, 3341, 3344, 3349, 3746, 3747, and 3851 by the department. Appropriations of the Texas Capital Trust Fund Account No. 543 are limited to the amounts identified above.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292.</i></p>		

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8 <u>48</u>	II-88 [MHMR]	<p data-bbox="632 310 968 337">MHMR Medicare Receipts.</p> <p data-bbox="632 370 1955 488">a. For the purposes of this section and appropriation authority, the Department of Mental Health and Mental Retardation shall use ABEST Method of Financing Code 8034 as an Other Fund to report expenditures and request legislative appropriations from Medicare funds deposited in Revenue Object Code 3634 that are collected by the department as payment for:</p> <ul style="list-style-type: none"> <li data-bbox="688 509 1986 570">(1) hospital, physician and other services rendered to Medicare-eligible individuals in facilities operated by the department; and <li data-bbox="688 591 1965 651">(2) cost settlements for services rendered in state facilities operated by the department as authorized by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). <p data-bbox="632 672 2007 906">b. Appropriation authority and accounting for MHMR Medicare Receipts. Amounts defined as MHMR Medicare Receipts shall be deposited into the General Revenue Fund according to the identified Comptroller Revenue Object Code above. The Department of Mental Health and Mental Retardation is authorized to receive and expend MHMR Medicare Receipts as a first source, and general revenue shall be used as a second source. In the event that these revenues should be greater than the amounts identified in the method of financing above as MHMR Medicare Receipts, the department is hereby appropriated and authorized to expend these state funds hereby made available. The expenditure of MHMR Medicare Receipts is subject to the following requirements:</p> <ul style="list-style-type: none"> <li data-bbox="699 938 1944 1024">(1) Amounts available shall be expended prior to utilization of any general revenue available for the same purpose. In the event general revenue must be expended, the agency will provide notification to the Legislative Budget Board and the Governor; <li data-bbox="699 1062 1923 1170">(2) In the event general revenue has been expended prior to the receipt of MHMR Medicare Receipts as defined above, the department shall reimburse general revenue upon receipt of the revenue. This process shall be completed on a monthly basis in order to maintain a minimum balance on hand in excess MHMR Medicare Receipts; and <li data-bbox="699 1214 1986 1300">(3) The department shall report monthly to the Legislative Budget Board, Comptroller of Public Accounts and Governor on MHMR Medicare Receipts collections by Comptroller Revenue Object Code, expenditures and anticipated revenues and balances. 		

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8 <u>48</u> (con't)		<p data-bbox="625 305 1927 396">e. Exclusive appropriation authority. The preceding subsections of this provision shall be the exclusive appropriation authority for MHMR Medicare Receipts from the above identified sources and none of these receipts shall be appropriated by a provision of Article IX of this Act</p> <p data-bbox="625 428 1944 607">Justification for the change: This rider is recommended for deletion as this method of finance (MOF) is being requested in the department's Legislative Appropriations Request and is an established MOF in ABEST. The original intent of this rider was to capture (MOF) information that did not exist in ABEST at the time of the LAR development. This request standardizes the appropriations request and reporting procedures as it relates to Method of Finance for the new department.</p>		
9 <u>49</u>	II-89 [MHMR]	<p data-bbox="625 672 1344 698"><u>BUDGET POLICY AND APPROPRIATION MANAGEMENT</u></p> <p data-bbox="625 730 1986 850">State School Medicaid Revenues. The Department of Mental Health and Mental Retardation shall report quarterly to the Legislative Budget Board and the Governor on the distribution of ICF/MR state school revenues to other state agencies. This report shall be submitted no later than 25 days after the close of each quarter. The format and content of the report shall be prescribed by the Legislative Budget Board.</p> <p data-bbox="625 883 1982 1003">Justification for the change: This rider is recommended for deletion as the department transfers Medicaid funds to other state agencies base on Accounting Policy Statement 11, "Benefits to be Proportional by Fund" and completes the required Comptroller report as required by this Accounting Policy Statement.</p>		
10 <u>50</u>	II-89 [MHMR]	<p data-bbox="625 1039 1302 1065"><u>Contingency Appropriation of Earned Federal Funds.</u></p> <p data-bbox="638 1097 1969 1218">a. Included in the method of financing above are Earned Federal Funds in the amount of \$10,580,476 for the 2004-05 biennium, contingent upon the department earning and depositing funds generated which constitute Earned Federal Funds as defined elsewhere in this Act into the General Revenue Fund, Appropriation No. 70000 established by the Comptroller of Public Accounts for this purpose.</p> <p data-bbox="638 1250 1969 1370">b. The Department of Mental Health and Mental Retardation shall submit a quarterly report to the Legislative Budget Board and the Governor which details revenues, expenditures, and balances for earned federal funds as of the last day of the prior quarter. The report shall be prepared in a format approved by the Legislative Budget Board.</p> <p data-bbox="638 1403 1797 1429">c. The authority to receive and expend earned federal funds is subject to the following limitations:</p>		

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40 <u>50</u> (con't)		<p>(1) At least 14 days prior to any expenditure of earned federal funds in excess of those appropriated, the department shall report the earned federal funds received and provide documentation of the proposed use of these funds to the Legislative Budget Board, Governor, and Health and Human Services Commission. At least 14 days prior to any meeting of the Board of Mental Health and Mental Retardation to consider a budget adjustment of any use of earned federal funds above levels indicated in the appropriation above or to consider any program expansion, the department shall report the earned federal funds received and provide documentation of the proposed use of these funds to the Legislative Budget Board, Governor, and Health and Human Services Commission.</p> <p>(2) Notifications shall include information regarding the need which will be served with the additional revenue. In the event program expansions are under consideration, information shall be forwarded regarding the population to be served, criteria for eligibility, and impact upon existing programs.</p> <p>(3) The report shall include the information detailed in "b" and identify the impact on established performance targets, measures, and full-time equivalent positions.</p> <p>Justification for the change: <i>This rider has been replaced with the Department of Aging and Disability Services Earned Federal Funds Rider #16.</i></p>		
44 <u>51</u>	II-90 [MHMR]	<p>Community Hospital Medicaid Services. The Harris County Psychiatric Center, Lubbock Community Hospital, and Galveston Community Hospital shall certify appropriated state funds to the Health and Human Services Commission or its designee for the state share of Medicaid reimbursement for the following services:</p> <p>a. Inpatient psychiatric services for children.</p> <p>b. Inpatient psychiatric services for age 65 and over (Institute for Mental Disease option).</p> <p>The Department of Mental Health and Mental Retardation shall report monthly to the Legislative Budget Board and the Governor on the amounts certified by each community hospital.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to an MH function that is no longer overseen by the Department of Aging and Disability Services.</i></p>		

Agency Code: 539	Agency Name: Department of Aging and Disability Services	Prepared By: James R. Hine	Date: 10/8/04	Request Level: Base
Current Rider Number 42 <u>52</u>	Page Number in 2004-05 GAA II-90 [MHMR]	Proposed Rider Language		
		<p>Home and Community-Based Services (HCS) Waiver Program. The department shall ensure the cost-effectiveness of the HCS program by limiting the average annual HCS expenditure per client to 80 percent of the average annual per client ICF-MR expenditure. Expenditures for individual clients may exceed this cap as long as the overall average expenditure for HCS clients remains below 80 percent of the ICF-MR annual average. Furthermore, it is the intent of the Legislature that, in order to increase the number of clients served, the overall average monthly expenditure per client may not exceed \$3,389 per month in fiscal years 2004 <u>2006</u> and 2005 <u>2007</u>. The Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u> and the Health and Human Services Commission shall report to the Legislative Budget Board and Governor by October 1 of each year of the biennium, on the measures taken to decrease the average cost per person and to increase the number of clients served in the HCS program.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292 and to reflect the FY 2008-2009 biennium.</i></p>		
43 <u>53</u>	II-90 [MHMR]	<p>Residential Services Funded by General Revenue. The Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u> shall refinance, with Medicaid funding, residential services to Medicaid eligible clients that are currently funded with general revenue. This refinancing effort shall include both public and private general revenue-funded programs. The department shall accomplish this refinancing through the use of Medicaid waiver programs, or, if necessary, the Intermediate Care Facility for the Mentally Retarded program. The department shall submit a report by October 1 of each year of the biennium to the Legislative Budget Board and the Governor that documents the number of persons and residential sites converted to Medicaid funding. The format of this report shall be prescribed by the Legislative Budget Board.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292.</i></p>		

Agency Code: 539	Agency Name: Department of Aging and Disability Services	Prepared By: James R. Hine	Date: 10/8/04	Request Level: Base
Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language		
44 <u>54</u>	II-90 [MHMR]	<p>Cash Flow Contingency. Contingent upon the receipt of MHMR Medicare Receipts, MHMR Collections for Patient Support and Maintenance, and of federal funds allocated from the Medicaid Program, the department may temporarily utilize additional general revenue funds, pending receipt of reimbursement, in an amount not to exceed the anticipated reimbursement, in each year of the biennium. The general revenue amounts utilized above the general revenue method of finance must be repaid upon receipt of reimbursement and shall be utilized only for the purpose of temporary cash flow needs. These transfers and repayments shall be credited to the fiscal year being reimbursed and shall be in accordance with procedures established by the Comptroller. All transfers of the method of finance shall be reported by the department to the Legislative Budget Board and the Governor.</p> <p>Justification for the change: <i>There is no change requested for this rider. It should continue in its current state for the Department of Aging and Disability Services.</i></p>		
45 <u>55</u>	II-91 [MHMR]	<p>Funding Equity Among Local Mental Health and Mental Retardation Authorities. It is the intent of the Legislature that the Texas Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u> shall develop and implement a long-term plan to achieve equity in state funding allocations among local mental health and mental retardation authorities. The plan shall be implemented from fiscal years 2006–2011. The goal of the plan shall be to achieve equity to the greatest extent possible by fiscal year 2011, however, any funding reductions to a local authority for the purpose of achieving equity may not exceed 5 percent of allocated general revenue in a fiscal year. The plan shall also provide for improving funding equity to be a priority in distributing any new state or federal funds that may become available for allocation to community centers.</p> <p>In assessing the equity of funding the Department may use alternatives other than basing equity calculations solely on the total population served by each local authority. Additional factors, such as incidence of poverty, may be considered if they help to provide a better estimate of the need for state funded mental health or mental retardation services in the areas served by each local authority. The Department shall submit its long-term equity plan to the Office of the Governor and the Legislative Budget Board by December 31, 2003. The Department shall include in its legislative appropriations requests a table showing how implementation of the equity plan will affect projected allocations to community centers at the baseline current services funding level.</p> <p>Justification for the change: <i>This rider has been updated to reflect the fact that TDMHMR submitted the required long-term equity plan and the Department of Aging and Disability Services included the required table in its FY 2005-2007 legislative appropriations request as required by this rider.</i></p>		

Agency Code:	Agency Name:	Prepared By:	Date:	Request Level:
539	Department of Aging and Disability Services	James R. Hine	10/8/04	Base
Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language		
46 <u>56</u>	II-91 [MHMR]	<p>State School Funding. It is the intent of the Legislature that the department implement a single funding methodology for state schools which funds all state schools equitably and at a level which is adequate to maintain compliance with applicable federal standards. The methodology should be based on the number of residents in each school and the needs of those residents.</p> <p>Justification for the change: <i>This rider is recommended for deletion. This state school funding methodology has been used for many years and is currently being used to allocate appropriated funds based on uniform client related criteria.</i></p>		
47 <u>57</u>	II-91 [MHMR]	<p>Report on Local Authorities. To ensure that the Legislature and Governor are kept informed of the effects of delegating to a local mental health authority or local mental retardation authority (local authority) the responsibility of planning, coordination, and oversight of mental health and/or mental retardation services in that area, the department shall submit a report by January 15 of each year to the Legislative Budget Board and the Governor. This report shall describe both beneficial and detrimental client outcomes and shall be presented in a format to be prescribed by the Legislative Budget Board.</p> <p>Justification for the change: <i>This rider is recommended for deletion as the requirements of the rider have been fulfilled and/or modified by H.B. 2292. The following sections of H.B 2292, clarify this request. Sec 2.74 requires that local authorities provide services only as a provider of last resort. Sec 2.76 resulted in the discontinuation of the Mental Retardation Local Authority (MRLA) program; which the department accomplished effective September 1, 2003. The case management function was transferred to the service provider on that date.</i></p> <p><i>In addition, the state responsibility for mental health and mental retardation services has transferred to two separate new agencies. The continued delegation of the responsibility for planning, coordination and oversight of mental retardation services to local authorities are contained in the current FY 2005 Performance Contract with all Mental Retardation Authorities and will continue for FY 2006-2007.</i></p>		

Agency Code: 539	Agency Name: Department of Aging and Disability Services	Prepared By: James R. Hine	Date: 10/8/04	Request Level: Base
Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language		
48 <u>58</u>	II-91 [MHMR]	<p>Community Mental Health and Mental Retardation Centers. If the department determines that a community mental health and mental retardation center is unable or unwilling to fulfill its contractual obligations to provide services or to exercise adequate control over expenditures and assets, the department may take necessary steps, including the appointment of a management team as authorized by Health and Safety Code, §§ 534.038–534.040, to protect the funds appropriated under this Act and ensure the continued provision of services.</p> <p>Justification for the change: <i>There is no change requested for this rider. It should continue in its current state for the Department of Aging and Disability Services.</i></p>		
49 <u>59</u>	II-91 [MHMR]	<p>Performance Contracts. Funds in Strategy A.1.5, MH Community Hospitals, shall be allocated through performance contracts with local mental health authorities.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to an MH function that is no longer overseen by the Department of Aging and Disability Services.</i></p>		
20 <u>60</u>	II-91 [MHMR]	<p>Medicaid and Medicare Collections. The Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u> shall maximize reimbursement of Medicare and Medicaid funding for all eligible individuals and for all expenditures at the state hospitals, state schools and state centers.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292 and removes the reference to an MH function that is no longer overseen by the Department of Aging and Disability Services..</i></p>		
24 <u>61</u>	II-91 [MHMR]	<p>Use of Timber Receipts for Capital Projects. The Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u> is hereby authorized to sell timber located on department land. Revenues generated from the sale of timber, estimated at zero for the biennium, shall be deposited into the Texas Capital Trust Fund Account No. 543.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292.</i></p>		

Agency Code:	Agency Name:	Prepared By:	Date:	Request Level:												
539	Department of Aging and Disability Services	James R. Hine	10/8/04	Base												
Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language														
22 <u>62</u>	II-92 [MHMR]	<p>Rusk State Hospital Timber Sales. The Department of Mental Health and Mental Retardation is authorized to sell timber located on department land at Rusk State Hospital. Revenues generated from the sale of timber, estimated at zero for the biennium, shall be deposited into the Texas Capital Trust Fund Account No. 543.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to an MH function that is no longer overseen by the Department of Aging and Disability Services.</i></p>														
23 <u>63</u>	II-92 [MHMR]	<p>Third Party Reimbursement for Community Mental Health and Mental Retardation Centers. It is the intent of the Legislature that community mental health and mental retardation centers maximize third-party reimbursement from Medicaid and the Children's Health Insurance Program for all eligible individuals.</p> <p>Justification for the change: <i>There is no change requested for this rider. It should continue in its current state for the Department of Aging and Disability Services.</i></p>														
24 <u>64</u>	II-92 [MHMR]	<p><u>BUDGET POLICY AND APPROPRIATION MANAGEMENT, FACILITY-RELATED</u></p> <p>Transfers of Appropriation – State Owned Hospitals. The Department of Mental Health and Mental Retardation shall transfer from non-Medicaid state appropriated funds the following amounts to the Health and Human Services Commission for the Disproportionate Share Hospital Reimbursement Program:</p> <table data-bbox="667 1003 2007 1166"> <thead> <tr> <th></th> <th style="text-align: right;"><u>2004</u></th> <th style="text-align: right;"><u>2005</u></th> </tr> </thead> <tbody> <tr> <td>State Mental Hospitals</td> <td style="text-align: right;">246,525,883</td> <td style="text-align: right;">246,525,883</td> </tr> <tr> <td>Harris County Psychiatric Center</td> <td style="text-align: right;">20,423,113</td> <td style="text-align: right;">20,423,113</td> </tr> <tr> <td></td> <td style="text-align: right;">266,948,996</td> <td style="text-align: right;">266,948,996</td> </tr> </tbody> </table> <p>The timing and form of such transfers shall be determined by the Comptroller of Public Accounts in consultation with the Health and Human Services Commission. The Legislative Budget Board is authorized to adjust the amounts of such transfers as necessary to match available federal funds. The department shall also transfer non-Medicaid state appropriated funds as necessary for other qualifying state-funded community hospitals.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to an MH function that is no longer overseen by the Department of Aging and Disability Services.</i></p>				<u>2004</u>	<u>2005</u>	State Mental Hospitals	246,525,883	246,525,883	Harris County Psychiatric Center	20,423,113	20,423,113		266,948,996	266,948,996
	<u>2004</u>	<u>2005</u>														
State Mental Hospitals	246,525,883	246,525,883														
Harris County Psychiatric Center	20,423,113	20,423,113														
	266,948,996	266,948,996														

Agency Code:	Agency Name:	Prepared By:	Date:	Request Level:
539	Department of Aging and Disability Services	James R. Hine	10/8/04	Base
Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language		
25 <u>65</u>	II-92 [MHMR]	<p>State School Funding and Staffing Levels. It is the intent of the Legislature that funding for state schools shall be based on the number of residents in each state school at the beginning of the fiscal year and the needs of those residents. Staffing patterns at state schools shall not reflect a census decline until a campus has realized a decline in census.</p> <p>Justification for the change: <i>This rider is recommended for deletion as the intent of the rider is covered under the Department of Aging and Disability Services rider #42, Limitation of Specific Strategy Transfers.</i></p>		
26 <u>66</u>	II-92 [MHMR]	<p>Barber and Cosmetology Services. The Department of Mental Health and Mental Retardation Department of Aging and Disability Services may charge fees for barber and cosmetology services provided the fees charged are consistent with an individual's ability to pay. These fees are appropriated to the department to offset the cost of providing barber and cosmetology services. The department may also use patient benefit funds to offset the cost of these services for indigent clients.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292.</i></p>		
27 <u>67</u>	II-92 [MHMR]	<p>Surplus Property. In order to conserve funds appropriated, surplus personal property may be transferred from one facility to another with or without reimbursement. The Department of Mental Health and Mental Retardation Department of Aging and Disability Services may transfer surplus personal property to community MHMR centers with or without reimbursement. Surplus personal property belonging to any facility may be sold; provided, however, that such transfers or sales shall be made under the same procedure as provided by Government Code, Chapter 2175.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292.</i></p>		

Agency Code:	Agency Name:	Prepared By:	Date:	Request Level:
539	Department of Aging and Disability Services	James R. Hine	10/8/04	Base
Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language		
28 <u>68</u>	II-92 [MHMR]	<p>Disposition of Construction Appropriation. Construction appropriations may be used to pay salaries and travel expenses of department engineers and architects and administrative expenses of construction projects (but shall not exceed \$350,000 in a fiscal year that are paid out of G.O. Bonds); architect's and engineer's fees; and the actual travel expenses incurred by them or their representatives in making trips of inspection at the discretion of the department during construction, renovation, or repair of buildings and systems or the installation of fixed equipment. Job titles and rates of pay for such salaried positions of department personnel paid from construction appropriations shall conform with the Position Classification Plan and Classification Salary Schedule.</p> <p>Justification for the change: <i>This rider is requested for deletion for the following reasons: 1) the \$350,000 limit is far below the amount required to manage the projects, 2) the Texas Public Finance Authority already limits all administrative expenditures from bonds to 25%, including salaries and expenses of staff architects and engineers, 3) since the limitation is a fixed number and the salaries and expenses for architects and engineers vary depending upon the amount of work to be accomplished, an appropriation yielding an amount of work in excess of approximately \$6 million per year (the department is requesting \$59.8 million in GO Bonds for FY 2002-2008) means the department must either be in violation of the rider of pay the remainder out of a different fund source, such as General Revenue.</i></p>		
29 <u>69</u>	II-93 [MHMR]	<p>Road Construction and Maintenance at State Facilities. Notwithstanding any other provision in law, the Texas Department of Transportation shall construct, repair, and maintain roads in and providing access to and from Texas Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u> facilities.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292.</i></p>		

Agency Code:	Agency Name:	Prepared By:	Date:	Request Level:
539	Department of Aging and Disability Services	James R. Hine	10/8/04	Base
Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language		
30 <u>70</u>	II-93 [MHMR]	<p data-bbox="621 318 1213 347"><u>EXPENDITURES SPECIFICALLY AUTHORIZED</u></p> <p data-bbox="621 370 1976 493">Reimbursement of Advisory Committee Members. Pursuant to Government Code, § 2110.004, reimbursement of expenses for advisory committee members, out of the funds appropriated above not to exceed \$18,978 per year, is limited to the following advisory committee: Mental Health Planning and Advisory Committee.</p> <p data-bbox="621 521 1986 581">None of the funds for reimbursement shall be redirected from the appropriation for the direct provision of services to the clients of MHMR.</p> <p data-bbox="621 610 1955 704">To the maximum extent possible, the Department shall encourage the use of videoconferencing and teleconferencing and shall schedule meetings and locations to facilitate the travel of participants so that they may return the same day and reduce the need to reimburse members for overnight stays.</p> <p data-bbox="621 734 1923 826">Justification for the change: <i>This rider has been replaced with the Department of Aging and Disability Services Reimbursement of Advisory Committee Members Rider #22.</i></p>		
34 <u>71</u>	II-93 [MHMR]	<p data-bbox="621 862 1986 980">Office For Prevention Of Developmental Disabilities. The Department of Mental Health and Mental Retardation shall expend, from funds otherwise appropriated to the department by this Act, an amount not to exceed \$105,600 each fiscal year for salaries, benefits, travel expenses, and other support of the Office for Prevention of Developmental Disabilities.</p> <p data-bbox="621 1010 1986 1135">Justification for the change: <i>This rider is no longer necessary as it pertains to a function that is no longer overseen by the Department of Aging and Disability Services. This office was transferred to the Health and Human Services Commission at the beginning of FY 2005.</i></p>		

Agency Code:	Agency Name:	Prepared By:	Date:	Request Level:
539	Department of Aging and Disability Services	James R. Hine	10/8/04	Base
Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language		
32 <u>72</u>	II-93 [MHMR]	<p>Pilot Project for Persons with Developmental Disabilities. The Department of Mental Health and Mental Retardation (TDMHMR) is required to continue a project in Midland County which identified and served 16 individuals who have required long-term care settings in the past and/or are still in need of and eligible for placement in long-term Medicaid group homes. For purposes of continuing this project, TDMHMR shall expend, out of funds appropriated, for fiscal years 2004 and 2005, an amount sufficient to continue TDMHMR waiver program services to an individual participating in this project as long as that individual meets programmatic eligibility criteria. These 16 individuals, or their authorized representatives, were provided the opportunity to direct their own level of care, such that their service plans include only necessary and requested services. The original pilot was intended to demonstrate that provision of only necessary and requested services in a manner prescribed by persons with developmental disabilities will produce less dependent, more productive citizens in a most cost efficient model.</p> <p>Justification for the change: <i>This rider is recommended for deletion as this pilot project has reached its conclusion. These 16 individuals are currently receiving Waiver Services and the funding for these slots continue for FY 2006-2007.</i></p>		
33 <u>73</u>	II-93 [MHMR]	<p>Mexia State School Medicaid-decertified Beds. It is the intent of the Legislature that all funds appropriated in Strategy D-4.1 A.8.1, MR State School Services, to fund beds at Mexia State School that have been decertified from Medicaid and related costs shall be distributed to Mexia State School.</p> <p>Justification for the change: <i>This rider is update to reflect a strategy numbering change.</i></p>		
34 <u>74</u>	II-93 [MHMR]	<p>Community Hospital Funding for Galveston Community Hospital. Out of funds appropriated above, the Department of Mental Health and Mental Retardation shall allocate \$400,000 in General Revenue for fiscal year 2004 and \$400,000 in General Revenue for fiscal year 2005 for the Galveston Community Hospital, specifically for the purpose of providing outpatient medication services.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to an MH function that is no longer overseen by the Department of Aging and Disability Services.</i></p>		

Agency Code:	Agency Name:	Prepared By:	Date:	Request Level:
539	Department of Aging and Disability Services	James R. Hine	10/8/04	Base
Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language		
35 <u>75</u>	II-94 [MHMR]	<p>ADDITIONAL APPROPRIATION AUTHORITY</p> <p>Appropriation of Local Funds. All funds received by the department from counties, cities, and from any other local governmental entity and all balances from such sources as of August 31, 2003, are hereby appropriated for the biennium ending August 31, 2005, for the purpose of carrying out the provisions of this Act. (Estimated to be zero.)</p> <p>Justification for the change: <i>This rider has been replaced with the Department of Aging and Disability Services Appropriation of Federal and Local funds Rider #5.</i></p>		
36 <u>76</u>	II-94 [MHMR]	<p>Medical Assistance Payments and Unexpended Balances. General revenue funds appropriated hereinabove for all Medicaid services shall be made available to the agency by the Comptroller of Public Accounts in equal monthly installments on the first day of each calendar month; provided, however, that any balances on hand in such funds may be carried over from month to month during each fiscal year and from fiscal year 2004 to fiscal year 2005, and such funds are appropriated to the department for the 2004-05 biennium.</p> <p>Justification for the change: <i>This rider has been replaced with the Department of Aging and Disability Services Medical Assistance Payments Rider #2.</i></p>		
37 <u>77</u>	II-94 [MHMR]	<p>Unexpended Construction Balances. Any unexpended construction, repair, or renovation balances from previous appropriations, estimated to be \$17,700,000 from fiscal year 2003 to fiscal year 2004 and included in the method of finance above as General Obligation Bond proceeds and in Strategy E.1.1 A.9.1, Capital Construction <u>Repairs and Renovation</u>, are hereby appropriated to the Texas Department of Mental Health and Mental Retardation (TDMHMR) Department of Aging and Disability Services for the same purposes, provided that the expenditure of such appropriated funds shall require the approval of the Board of Mental Health and Mental Retardation. At least 14 days prior to board approval, TDMHMR the Department of Aging and Disability Services shall report on the appropriated fund sources, amounts and year of appropriation and on the proposed use of these funds to the Legislative Budget Board and the Governor.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292 and eliminate an estimated MOF provision.</i></p>		

Agency Code:	Agency Name:	Prepared By:	Date:	Request Level:
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38 <u>78</u>	II-94 [MHMR]	<p>Unexpended Balances. Except as otherwise provided, unexpended and unobligated balances, not to exceed \$10 million, remaining from appropriations for the first year of the biennium to the Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u> are appropriated to the department for the purpose of complying with Joint Commission for the Accreditation of Healthcare Organizations (JCAHO) standards and Intermediate Care Facilities for the Mentally Retarded (ICF-MR) standards, dealing with residential, non-residential, and community based mental health and mental retardation services. This paragraph does not apply to those unexpended and unobligated balances remaining from appropriations for the first year of the biennium that the department is authorized by this Act to retain for specific purposes in the second year of the biennium. The department shall notify the Legislative Budget Board and the Governor as to when the appropriation originated, why it is not needed, and how it will be used prior to budgeting and expending these balances.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292, eliminate the reference to an MH function no longer overseen by the Department of Aging and Disability Services and strike language limiting the use of the funds.</i></p>		
39 <u>79</u>	II-94 [MHMR]	<p>Copyright of Training Materials and Patent of Technologies Developed by the Department. In addition to the amounts appropriated above, the Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u> is hereby authorized to collect the following fees: a) fees collected from the sale of written training materials, video tapes, audio tapes and in the form of electronic media, such materials having been developed in part or whole by the department; and b) licensing fees collected by the department in exchange for allowing individuals and companies to use any patented technology developed, in part or in whole, by the department. The department is authorized to license the use of any copyright-protected material, trademark, trade secrets, and any patented technology. This does not include any mineral royalties. Fees collected in the sale of training materials described above may be in excess of the actual reproduction cost incurred by the department and shall be used to recoup the costs associated with developing the training materials. Fifty percent of the fees collected in licensing of any patented technology shall be devoted to further research and development of technologies reasonably believed to be of assistance to the department's priority population. The remaining 50 percent shall be deposited to the General Revenue Fund.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292.</i></p>		

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539	Department of Aging and Disability Services	James R. Hine	10/8/04	Base
Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language		
40 <u>80</u>	II-95 [MHMR]	<p>Appropriation Transfer Between Fiscal Years. In addition to the transfer authority provided elsewhere in this Act, the Department of Mental Health and Mental Retardation may transfer appropriations made for the fiscal year ending August 31, 2005, to the fiscal year ending August 31, 2004, subject to the following conditions provided by this section:</p> <p>a. Transfers under this section may be made only:</p> <p style="padding-left: 40px;">(1) if appropriated receipts required to fund appropriations contained in this Act for fiscal year 2004 are less than those contained in the method of finance for the department for fiscal year 2004;</p> <p style="padding-left: 40px;">(2) for any emergency expenditure requirements, including expenditures necessitated to ensure the continuation of Medicaid client services to maintain fiscal year 2003 Medicaid caseleads.</p> <p>b. Transfers may not exceed \$15,000,000 in general revenue.</p> <p>c. A transfer authorized by this section must receive the prior approval of the Legislative Budget Board and the Governor.</p> <p>d. The Comptroller of Public Accounts shall cooperate as necessary to assist the completion of a transfer and spending made under this section.</p> <p>Justification for the change: <i>This rider has been replaced with the Department of Aging and Disability Services Appropriation Transfer Between Fiscal Years rider #20.</i></p>		

Agency Code: 539	Agency Name: Department of Aging and Disability Services	Prepared By: James R. Hine	Date: 10/8/04	Request Level: Base
Current Rider Number 44 81	Page Number in 2004-05 GAA II-95 [MHMR]	Proposed Rider Language		
<p>Revolving Fund Services: <u>State School Canteen Services and Sheltered Workshops.</u></p> <p>a. Canteen Services. Each of the facilities under control and management of the Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u>, except the Central State Office, may establish, maintain and operate a canteen for the convenience of its patients <u>residents</u>. Any balances remaining in each canteen operation fund are appropriated for the biennium beginning with the effective date of this Act in an amount estimated to be \$350,000 <u>\$150,000</u> from balances on hand on August 31, 2003 <u>2005</u> and included above in Strategy D.1.4 1.8.1, MR State School Services. Any unobligated balances as of August 31, 2004 <u>2006</u>, are appropriated for the same use during fiscal year 2005 <u>2007</u>. All receipts deposited to its credit, estimated to be \$3,067,664 <u>\$2,052,559</u> in fiscal year 2004 <u>2006</u> and \$3,067,664 <u>\$2,052,559</u> in fiscal year 2005 <u>2007</u> and included above in Strategy D.1.4 1.8.1, MR State School Services, are appropriated for all costs necessary for the operation of a canteen for the next fiscal year. Funds appropriated for canteen services are reflected in the method of finance above as MHMR Revolving Fund Receipts. Each of the facilities under control and management of the department that contracts with the Commission for the Blind for the operation of its canteen shall deposit the amount of monies originally appropriated for its Canteen Operation Fund into the General Revenue Fund. The balance remaining in the facility's Canteen Operation Fund, after the amount originally appropriated is deposited to the General Revenue Fund, shall be deposited to the Benefit Fund created at the facility under the provisions of Health and Safety Code § 551.004.</p> <p>The department shall provide information on related revenues, balances, contracts and profits to the Legislative Budget Board, Governor and Comptroller of Public Accounts. These revenues, expenditures and balances shall be reported and included in agency Operating Budgets, Legislative Appropriation Requests, and Annual Financial Reports. The timetable, format and content for additional monthly reports related to Canteen operations shall be prescribed by the Legislative Budget Board.</p>				

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Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language		
44 <u>81</u> (con't)		<p>b. Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u> may maintain a revolving fund for its management responsibilities related to sheltered workshops. Any balances remaining in the sheltered workshop funds are appropriated for the biennium beginning with the effective date of this Act in an amount estimated to be \$1,300,000 <u>\$992,286</u> from balances on hand remaining on August 31, 2003 <u>2005</u> and included above in Strategy D.1.4 1.8.1, MR State School Services. Any unobligated balances as of August 31, 2004 <u>2006</u>, are appropriated for the same use during fiscal year 2005 <u>2007</u>. All receipts deposited to the credit of the sheltered workshops, estimated to be \$1,457,854 <u>\$1,144,018</u> in fiscal year 2004 <u>2006</u> and \$1,457,854 <u>\$1,144,018</u> in fiscal year 2005 <u>2007</u> and included above in Strategy D.1.4 1.8.1, MR State School Services, are appropriated for all costs necessary for the operation of sheltered workshops. Funds appropriated for sheltered workshops are reflected in the method of finance above as MHMR Revolving Fund Receipts. The department shall provide information on related revenues, expenditures, balances, contracts and profits to the Legislative Budget Board, Governor and Comptroller of Public Accounts. These revenues, expenditures and balances shall be reported and included in agency Operating Budgets, Legislative Appropriations Requests, and Annual Financial Reports. The timetable format, and content for additional monthly reports related to the Sheltered Workshop Revolving Fund shall be prescribed by the Legislative Budget Board.</p> <p>Justification for the change: <i>This rider was updated for title change, strategy changes, estimated revenues, 2006-2007 biennium changes and patient to resident reference.</i></p>		
42 <u>82</u>	II-96 [MHMR]	<p><u>HUMAN RESOURCE POLICY</u></p> <p>Employee Meals. Notwithstanding any other provision in this Act, the Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u> may provide free meals to employees who are required to eat meals with clients.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292.</i></p>		

Agency Code: 539	Agency Name: Department of Aging and Disability Services	Prepared By: James R. Hine	Date: 10/8/04	Request Level: Base						
Current Rider Number 43 <u>83</u>	Page Number in 2004-05 GAA II-96 [MHMR]	Proposed Rider Language								
		<p>Maximum Security Salaries. As a specific exception to the General Provisions of this Act governing salary rates of classified positions, funds are included above for the Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u> to pay employees working in designated Maximum Security Units or designated specialized Behavioral Management Units up to a two step increase over those salary rates provided by the General Provisions.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292, as well as clarify the types of units this pay is used for in the new department.</i></p>								
44 <u>84</u>	II-96 [MHMR]	<p>Fire Prevention and Safety. In instances in which regular employees of facilities located in remote areas are assigned extra duties in fire prevention programs, the following payments are authorized in addition to the salary rates stipulated by the General Provisions on this Act relating to the position classifications and assigned salary ranges:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Fire Chief</td> <td style="text-align: right;">\$ 75 per month</td> </tr> <tr> <td>Assistant Fire Chief</td> <td style="text-align: right;">\$ 65 per month</td> </tr> <tr> <td>Fire Brigade Member</td> <td style="text-align: right;">\$ 50 per month</td> </tr> </table> <p>Justification for the change: <i>There is no change for this rider. It should continue in its current state for the Department of Aging and Disability Services.</i></p>			Fire Chief	\$ 75 per month	Assistant Fire Chief	\$ 65 per month	Fire Brigade Member	\$ 50 per month
Fire Chief	\$ 75 per month									
Assistant Fire Chief	\$ 65 per month									
Fire Brigade Member	\$ 50 per month									
45 <u>85</u>	II-96 [MHMR]	<p>Patient or Client Assistance. Subject to the approval of rules and regulations of the governing board of the Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u>, patients or clients in any state facility who are assisting in the operation of the facility as part of their therapy, may receive compensation out of any funds available to the respective facilities.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292.</i></p>								

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Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language		
46 <u>86</u>	II-96 [MHMR]	<p>Language Interpreter Services. In order to compensate employees for assuming the duty of providing interpretation services to consumers whose primary language is not English, facilities of the Texas Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u>, upon written authorization of the Commissioner or his/her designee, may, from funds appropriated above, increase the salary of classified employees by an amount equal to a one step increase, or 3.4 percent not to exceed 5%, so long as the resulting salary rate does not exceed the rate designated as the maximum rate for the applicable salary group. This increase shall be granted only for the regular provision of interpreter services above and beyond the regular duties of the position, and shall be removed when these services are, for whatever reason, no longer provided by the employee or when they are no longer needed by the facility. Salary increases provided for this purpose are not merit increases and shall not affect an employee's eligibility to receive a merit increase. This authorization also includes employees who provide interpretation services in American Sign Language.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292, as well as update the % of increase to be consistent with current HHS HR policies.</i></p>		
47 <u>87</u>	II-97 [MHMR]	<p>State-Owned Housing Authorized. The Superintendent, Medical Director, Assistant Superintendent for Programs, and Director of Plant Maintenance at each facility are authorized to live in state-owned housing at a rate determined by the department. Other department employees may live in state-owned housing as set forth in Article IX, State Owned Housing - Recover Housing Costs, of this Act. Fees for employee housing are hereby appropriated to be used for maintaining employee housing <u>and other buildings at state mental retardation facilities.</u></p> <p>Justification for the change: <i>This rider is being revised to allow the Department to expend revenue generated from the rental of employee housing on the maintenance of other departmental facilities. The department charges 100% of the fair market rent, as determined by the General Land Office (GLO) for employee residential units. This creates more revenue than is needed to maintain the units. Revenue that is not required to maintain the units is used to offset other facility maintenance and operating costs.</i></p>		

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Current Rider Number	Page Number in 2004-05 GAA	Proposed Rider Language																				
48 <u>88</u>	II-97 [MHMR]	<p>Professional Trainees and Interns. The Texas Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u> is authorized to compensate professional trainees or interns in recognized educational programs at any salary rate not to exceed <u>the minimum amount in the applicable classification salary schedule category for the particular intern specialty or discipline.</u> The Commissioner of the Department of Aging and Disability Services must approve the rate of compensation. <u>the following amounts:</u></p> <table border="0"> <tr> <td>Psychiatrist Interns</td> <td>\$3,412 per month</td> </tr> <tr> <td>Physician Interns</td> <td>\$2,925 per month</td> </tr> <tr> <td>Psychologist Trainees</td> <td>\$2,749 per month</td> </tr> <tr> <td>Registered Nurse Trainees</td> <td>\$2,295 per month</td> </tr> <tr> <td>Chaplain Interns</td> <td>\$2,161 per month</td> </tr> <tr> <td>Physical, Occupational, or Registered —Therapist Trainees</td> <td>\$2,036 per month</td> </tr> <tr> <td>Social Worker Trainees</td> <td>\$1,921 per month</td> </tr> <tr> <td>Medical Technologist Trainees</td> <td>\$1,921 per month</td> </tr> <tr> <td>Licensed Vocational Nurse Trainees</td> <td>\$1,716 per month</td> </tr> </table> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292 and remove specific amounts and categories of professional trainees and interns who could be compensated. This change gives the Commissioner of the Department of Aging and Disability Services the flexibility to compensate interns up to the minimum of the state classification schedule in order to meet economic demands.</i></p>			Psychiatrist Interns	\$3,412 per month	Physician Interns	\$2,925 per month	Psychologist Trainees	\$2,749 per month	Registered Nurse Trainees	\$2,295 per month	Chaplain Interns	\$2,161 per month	Physical, Occupational, or Registered —Therapist Trainees	\$2,036 per month	Social Worker Trainees	\$1,921 per month	Medical Technologist Trainees	\$1,921 per month	Licensed Vocational Nurse Trainees	\$1,716 per month
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49 <u>89</u>	II-97 [MHMR]	<p><u>OTHER PROVISIONS</u></p> <p>Residential Providers. It is the intent of the Legislature that individuals seeking residential services for a person with mental retardation have a choice of available providers. To ensure choice, the agency shall inform individuals seeking residential services of all the service options available, including large and small congregate living arrangements and waiver services.</p> <p>Justification for the change: <i>This rider is recommended for deletion as the language around consumer choice discussed in the rider above is consolidated with similar language in riders 90 and 94 in updated language in rider 94.</i></p>																				

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50 <u>90</u>	II-97 [MHMR]	<p>Placement Options. An individual with mental retardation or an individual's legally authorized representative seeking residential services shall receive a clear explanation of programs and services for which the individual is determined to be eligible, including state schools, community ICFs-MR, 1915(c) waiver services or other services. The programs and services that are explained shall be documented in the individual's record and acknowledged in writing by the individual or the individual's legally authorized representative. If the chosen programs or services are not available, the individual or the individual's legally authorized representative shall be given assistance in gaining access to alternative services and the selected waiting lists.</p> <p>The department shall keep a central list of the number of openings available for each type of residential service. The department shall honor the program and services preferences of the person or the person's legally authorized representative to the maximum extent openings are available in a residential program or service for which the individual meets program criteria.</p> <p>Justification for the change: <i>This rider is recommended for deletion as the language around consumer choice discussed in the rider above is consolidated with similar language in riders 89 and 94 in updated language in rider 94.</i></p>		
54 <u>91</u>	II-97 [MHMR]	<p>New Generation Medications. Funds expended on New Generation medications shall be spent in accordance with the practice guidelines developed through the Texas Implementation of Medication Algorithms (TIMA), Children's Medication Algorithm Project (CMAP) or a TDMHMR approved variation or substitute of TIMA or CMAP guidelines.</p> <p>Justification for the change: <i>This rider is requested for deletion. The algorithms mentioned above were developed for people with mental illnesses only. The studies upon which they were based were not a mentally retarded population. This rider pertained to the mental health population that now resides at the Department of State Health Services.</i></p>		
52 <u>92</u>	II-97 [MHMR]	<p>Limit on Spending New Generation Medication Funds.</p> <p>a. It is the intent of the Legislature that the Department of Mental Health and Mental Retardation utilize funds appropriated for New Generation Medications for no other purpose than the provision of New Generation Medications. This limitation shall apply to funds appropriated for New Generation Medications in the following strategies: A.1.1, Adult MH Community Services; A.1.2, Children's MH Community Services; A.1.4, NorthSTAR Behavioral Health Waiver; B.1.1, MH State Hospital Services; and D.1.1, MR State School Services.</p>		

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52 <u>92</u> (con't)		<p>b. Notwithstanding the limitation described above, the department shall allow a local mental health or mental retardation authority to expend an amount not to exceed 15 percent of its New Generation Medication funds on support programs that are related to the administration of New Generation Medications, provided, however, that an authority using its New Generation Medication funds for support services must meet its contracted performance target for persons served with New Generation Medications and that the availability of New Generation Medication funds to expend on services must result from cost efficiencies achieved by the authority.</p> <p>Justification for the change: <i>There have been no specific appropriations for New Generation Medications in the programs now administered by the Department of Aging and Disability Services.</i></p>		
53 <u>93</u>	II-98 [MHMR]	<p>Home and Community-Based Services Mid-Range Waiver. The Department of Mental Health and Mental Retardation, in conjunction with the Health and Human Services Commission, is authorized to seek approval from the Centers for Medicare and Medicaid Services for a Home and Community-based Services 'mid-range' waiver to provide services and supports to persons with mental retardation who do not require out-of-home residential support. Services and supports in this waiver would be capped at \$25,000 per year. The Legislative Budget Board and the Governor must approve implementation of this waiver prior to expenditure of any funds on waiver placements.</p> <p>Justification for the change: <i>This rider is no longer necessary as the Mid-Range Waiver referenced in this rider has been approved and is called the Texas Home Living Waiver.</i></p>		

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54 <u>94</u>	II-98 [MHMR]	<p>Provision of Information About All Care Alternatives. The Department of Mental Health and Mental Retardation shall comply with the requirements of § 533.038 of the Health and Safety Code by specifically providing to a person with mental retardation who is seeking residential services, or that person's legally authorized representative, information regarding the full continuum of care alternatives that are available, as well as information regarding spaces available in all the care alternatives.— <u>The Department of Aging and Disability Services shall comply with the requirements of Sec. 533.038 of the Health and Safety Code by specifically providing to a person with mental retardation and their legally authorized representative (if applicable), information regarding the full continuum of care alternatives that are available, clear explanation of the programs and services for which the individual is determined to be eligible, (Institutional and Community to include: State Plan Services, Medicaid Waiver Services, and Community GR funded services) as well as information regarding spaces available in all care alternatives. Explanation of services should include discussion of entitlement programs, waiver services, how these programs operate, benefits provided by each service, provider information, etc. If the programs or services for which the individual has expressed a preference and is eligible, are not available the individual and their legally authorized representative (if applicable) will be given assistance in gaining access to alternative services and the appropriate interest lists. Documentation that this information and assistance has been provided shall be made and kept in the individual's record and acknowledged in writing by the individual and their legally authorized representative (if applicable). Additionally, the department shall keep a central list of the number of openings available for each type of residential service. The department shall honor the program and services preferences of the person and their legally authorized representative (if applicable), to the maximum extent openings are available and for which the individual meets program eligibility criteria.</u></p> <p>Justification for the change: <i>This rider is updated with language around consumer choice that includes all the concepts of Riders 89, 90 and 94.</i></p>		
55 <u>95</u>	II-98 [MHMR]	<p>Performance Measure Adjustment. It is the intent of the Legislature that the department work with the Legislative Budget Board and the Governor, in accordance with the provision titled "Budgeting and Reporting" in the General Provisions of this Act to make appropriate adjustments to performance measure targets if, during the course of the 2004–05 biennium, it receives a decrease in federal earnings related to a reduction in the rates for Medicaid reimbursement for rehabilitation services.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to an MH function that is no longer overseen by the Department of Aging and Disability Services.</i></p>		

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56 <u>96</u>	II-98 [MHMR]	<p>Performance Measure Targets. The department, with assistance from local authorities, the Legislative Budget Board, and the Governor, shall develop uniform methodologies to be used in setting its biennial performance measure targets. The methodologies will take into consideration inflation and operating costs as well as the actual costs associated with delivering individual units of mental health and mental retardation services. The department will use the methodologies in developing measure targets in its 2006-07 <u>2008-09</u> Legislative Appropriations Request.</p> <p>Justification for the change: <i>This rider is updated to remove the portions that pertain to an MH function that is no longer overseen by the Department of Aging and Disability Services and to reflect the FY 2008-2009 biennium.</i></p>		
57 <u>97</u>	II-98 [MHMR]	<p>Purchasing of Medication. The Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u> shall require local mental health and mental retardation authorities to document their effort to make needed medications available to consumers at the lowest possible prices and to utilize the most cost effective medication purchasing arrangement available. It is the intent of the Legislature that the Department of Mental Health and Mental Retardation shall provide technical assistance to community centers as necessary to maximize efficiency.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292, remove portions that pertain to an MH function that is no longer overseen by the Department of Aging and Disability Services, as well as remove the documentation requirement in the rider.</i></p>		
58 <u>98</u>	II-98 [MHMR]	<p>Appropriation of Bond Funds. The appropriation of \$35,350,000 in bond funds included above in Strategy E.1.1 Capital Construction is subject to the following limitations and requirements. The Texas Public Finance Authority shall not issue debt to fund this appropriation at a rate that would cause the debt service on these bond funds to exceed \$1,000,000 during the fiscal year 2004-05 biennium. The Department shall reimburse, from its General Revenue appropriation, the Texas Public Finance Authority for the actual debt service incurred during the biennium related to the issuances under this appropriation and shall transfer these funds as instructed by the Comptroller of Public Accounts.</p> <p>Justification for the change: <i>This rider is no longer necessary because it was time limited to the FY 2004-2005 biennium.</i></p>		

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59 <u>99</u>	II-99 [MHMR]	<p>Local Service Area Planning Pilot Project-Gulf Coast. The Department of Mental Health and Mental Retardation may develop a pilot project, beginning in fiscal year 2004, negotiating a performance agreement with the Gulf Coast Center based on priorities identified by the community and expressed in a local service plan.</p> <p>The performance agreement shall specify outcomes as established in the Appropriations Act for programs administered by the local authority, and financed by general revenue funds. Performance related to these outcomes must be verifiable by the Department. Measures relating to outputs and units of service delivered, which may be included in the performance agreement, shall be recorded in the local authority automated data systems. Copies of these reports shall be forwarded to the Department on a quarterly basis.</p> <p>The Department shall develop criteria for evaluation of the pilot project and report on the effectiveness of the pilot project to the Legislative Budget Board and the Governor by December 31, 2004.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to an MH function that is no longer overseen by the Department of Aging and Disability Services.</i></p>		
60 <u>100</u>	II-99 [MHMR]	<p>Local Service Area Planning Pilot Project-El Paso. The Department of Mental Health and Mental Retardation may develop a pilot project, beginning in fiscal year 2004, negotiating a performance agreement with the El Paso Mental Health and Mental Retardation Community Center authority based on priorities identified by the community and expressed in a local service plan.</p> <p>The performance agreement shall specify outcomes as established in the Appropriations Act for programs administered by the local authority, and financed by general revenue funds. Performance related to these outcomes must be verifiable by the Department. Measures relating to outputs and units of service delivered, which may be included in the performance agreement, shall be recorded in the local authority automated data systems. Copies of these reports shall be forwarded to the Department on a quarterly basis.</p> <p>The Department shall develop criteria for evaluation of the pilot project and report on the effectiveness of the pilot project to the Legislative Budget Board and the Governor by December 31, 2004.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to an MH function that is no longer overseen by the Department of Aging and Disability Services.</i></p>		

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64 <u>101</u>	II-99 [MHMR]	<p>Recoupment of Funds from Local Authorities. Notwithstanding other provisions of this Act, any state funds appropriated for fiscal year 2004 2006 recouped by the Department from a local mental health or mental retardation authority for failing to fulfill its performance contract with the State, are hereby reappropriated to the Department to reallocate to other local mental health or mental retardation authorities to use for a related purpose in fiscal year 2005 <u>2007</u>. In conjunction with the reallocation of funds, the Department shall provide a report to the Legislative Budget Board and the Governor on the amount of funds, the reasons for the recoupment, the local authorities involved, any performance contract requirements that were not met, and the purposes of the reallocation.</p> <p>Justification for the change: <i>This rider is updated to remove the portions that pertain to an MH function that is no longer overseen by the Department of Aging and Disability Services and to reflect the FY 2006-2007 biennium.</i></p>		
62 <u>102</u>	II-99 [MHMR]	<p>Donations from Individuals, Community Groups and Volunteer Services Councils. It is expressly provided that the Texas Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u>, in accordance with § 533.001 of the Health and Safety Code and to the extent permitted by law, may accept donations for permanent improvements at the state mental health facilities and the state mental retardation facilities from individuals, community groups and local Volunteer Services Councils. Such funds are not subject to limitations on capital budget expenditures as contained in Article IX or any other similar provisions in this Act. Permanent improvements are defined as an improvement to a state facility that involves construction, building system(s), and/or landscaping.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292.</i></p>		
63 <u>103</u>	II-100 [MHMR]	<p>Contracted Medical Services. It is the intent of the Legislature that the Texas Department of Mental Health and Mental Retardation (TDMHMR) <u>Department of Aging and Disability Services</u> will not pay more than the approved reimbursement rate set by the Health and Human Services Commission for hospital services provided to an indigent TDMHMR <u>Department of Aging and Disability Services</u> consumer in a private or public hospital.</p> <p>Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292.</i></p>		

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64 <u>104</u>	II-100 [MHMR]	<p>Cost Effective Study of TDM HMR Community Hospitals. Out of funds appropriated the Department of Mental Health and Mental Retardation shall develop a study to identify the cost effectiveness of community hospitals across the state. The study shall include state, regional, and local factors affecting issues related to stabilization and long term care for mental health needs. The department will also review the reasons for closures of community hospitals, including costs associated with providing acute and long term care. The department shall submit the findings of the study to the Legislature, no later than September 1, 2005.</p> <p>Justification for the change: <i>This rider is no longer necessary as it pertains to an MH function that is no longer overseen by the Department of Aging and Disability Services.</i></p>		
65 <u>105</u>	II-100 [MHMR]	<p>Contingency Appropriation out of the Capital Trust Fund. Included in amounts above is \$5,859,850 in Capital Trust Fund revenue for the 2004-05 biennium, contingent upon the department earning and depositing amounts above the \$4,599,000 that is identified in the Biennial Revenue Estimate. These funds above the revenue estimate shall be made available upon certification by the Comptroller of Public Accounts and used in accordance with their statutorily dedicated purpose.</p> <p>Justification for the change: <i>This rider is no longer necessary because it was time limited to the FY 2004-2005 biennium.</i></p>		
66 <u>106</u>	II-100 [MHMR]	<p>Contingency Appropriation for HB 2292. Contingent upon the enactment of House Bill 2292, or similar legislation related to imposing a Quality Assurance Fee on facilities owned by the Department of Mental Health and Mental Retardation, by the Seventy-eighth Legislature, Regular Session, the amounts appropriated above from the Quality Assurance Account No. 5080 include an estimated \$27,779,438 in fiscal year 2004 and an estimated \$27,780,950 in fiscal year 2005 from fees collected pursuant to House Bill 2292.</p> <p>Justification for the change: <i>This rider is no longer necessary as H.B. 2292 was enacted and the corresponding appropriation of the Quality Assurance Fee was made in H.B. 1, 78th Legislature.</i></p>		
67 <u>107</u>	II-100 [MHMR]	<p>Authorization of Deferred Payments to Community MHMR Centers.</p> <p>a. The Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u> is hereby authorized to defer payments to community centers for services in fiscal year 2005 <u>2007</u> until September 2005 <u>2007</u> and those deferred payments will be paid from fiscal year 2006 appropriations in an amount not to exceed \$5,500,000 in General Revenue.</p>		

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67 <u>107</u> (con't)		<p data-bbox="617 305 2009 521">b. However, after and contingent upon the Comptroller providing notice to the Legislative Budget Board and the Governor regarding a finding of fact by the Comptroller (at the time of certification or after certification of this Act) that sufficient revenue is estimated to be available, and following approval by the Legislative Budget Board and Governor, there is hereby appropriated to the Texas Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u> such amounts as may be necessary for payment of the one-month deferred payments (estimated to be \$5,500,000 General Revenue) by August 31, 200<u>6</u>7.</p> <p data-bbox="617 581 2009 667">Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292 and reflect the FY 2006-2007 biennium.</i></p>		
68 <u>108</u>	II-100 [MHMR]	<p data-bbox="617 699 2009 971">Efficiencies at Local Mental Health and Mental Retardation Authorities. It is the intent of the Legislature that the local mental health and mental retardation authorities that receive allocations from the funds appropriated above (in Goal 1, Community Mental Health Services and Goal 3, Community Mental Retardation Services) shall maximize the dollars available to provide services by minimizing overhead and administrative costs and achieving purchasing efficiencies. Among the strategies that should be considered in achieving this objective are consolidations among local authorities and partnering among local authorities on administrative, purchasing, or service delivery functions where such partnering may eliminate redundancies or promote economies of scale. Local mental health and mental retardation authorities shall also maximize third party billing opportunities, including Medicare and Medicaid.</p> <p data-bbox="617 1003 2009 1219">By November 30, 2004 the State Auditor's Office shall report to the Legislature on the progress in achieving such efficiencies and the opportunities for achieving further efficiencies, including structural efficiencies, in the local authority service delivery system. It is the Legislature's intent that local authorities not expend funds appropriated in Strategy A.4.3 MR Community Services or A.4.4, MR Community Services Residential C-1.1, Mental Retardation Community Center Services, to supplement the rate-based payments they receive to fund their costs as providers of waiver or ICF-MR services and that the State Auditor shall identify the amounts of any such supplementation occurring in fiscal year 2004 in its report to the Legislature.</p> <p data-bbox="617 1252 2009 1365">Justification for the change: <i>This rider is updated to remove the portions that pertain to MH functions that are no longer overseen by the Department of Aging and Disability Services and references to State Auditor Reports that should be complete before the FY 2006 – 2007 biennium.</i></p>		

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69 <u>109</u>	II-101 [MHMR]	<p data-bbox="621 310 1976 399">Expenditures on Bond Homes. It is the intent of the Legislature that expenditures made for the provision of client services in bond homes operated by the Department of Mental Health and Mental Retardation <u>Department of Aging and Disability Services</u> shall not exceed the approved reimbursement rates.</p> <p data-bbox="621 431 1629 488">Justification for the change: <i>This rider is updated to reflect the department name change as required in H.B. 2292.</i></p>		
70 <u>110</u>	II-101 [MHMR]	<p data-bbox="621 526 1997 764">Feasibility Study for Six Bed Waiver Settings. In order to make TDMHMR waiver services more cost effective and maximize the number of persons served, the Department shall study the feasibility, cost, and benefits of converting waiver residential services to six bed settings, with the intent that any feasible conversion begin in fiscal year 2006. The study shall consider required provider rates, the transition costs to providers, and the impact on consumers. The study shall be developed with the assistance of a workgroup which shall include members of the staff of the Department, representatives of public providers, private providers, and advocates. The Department will complete the study by March 31, 2004 and will report its findings to the Governor's Office of Budget and Planning, the House Appropriations Committee, the Senate Finance Committee, and the Legislative Budget Board.</p> <p data-bbox="621 797 1976 886">Justification for the change: <i>This rider is no longer necessary as TDMHMR submitted the required Feasibility Study for Six Bed Waiver Settings as required by this rider.</i></p>		
74 <u>111</u>	II-101 [MHMR]	<p data-bbox="621 915 1976 1008">In-home and Family Support for Persons with Mental Retardation. It is the intent of the Legislature that, out of funds appropriated to Strategy C.1.1, MR Community Services, the Department shall spend \$10 million in General Revenue Funds for the MR In-home and Family Support program.</p> <p data-bbox="621 1040 1986 1162">Justification for the change: <i>This rider is no longer necessary because MR In-Home and Family Support has been given its own Strategy (A.4.9) in the Department of Aging and Disability Services and the Department has requested \$5.0 million be appropriated each year of the upcoming FY 2006-2007 biennium in this strategy.</i></p>		

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4 <u>112</u>	II-2 [TDOA]	<p>Data on RSVP Matching Funds Required. It is the intent of the Legislature that the Department on Aging maintain data on the amount of matching funds required for federal grants to local retired senior volunteer programs. By October 1 of each fiscal year, the department shall submit to the Legislative Budget Board and the Governor a report in such detail as the two offices may require.</p> <p>Justification for the change: <i>This rider is recommended for deletion. The department has continued to provide state general revenue in the amount of \$815,000 to support programs operated by the Corporation for National Services (CNS). These include the Retired Senior Volunteer program, Senior Companion and Foster Grandparents. The department does monitor the use of funds received by CNS and could report the amount of match.</i></p>		
2 <u>113</u>	II-2 [TDOA]	<p>Unit Cost Reporting Required. It is the intent of the Legislature that the Department on Aging maintain a reporting system that clearly and accurately identifies the unit cost of each service provided by each Area Agency on Aging for all strategies, except for volunteer services in A.1.1, and that the results of this unit cost reporting be provided to the Legislative Budget Board and the Governor semi-annually and in a form that the two offices may require.</p> <p>Justification for the change: <i>This rider is recommended for deletion to create consistency within the Department of Aging and Disability Services in terms of program reporting to state leadership. The information above is provided annually in the State Performance Report (SPR), as specified in the Older Americans Act, to the Administration on Aging.</i></p>		
3 <u>114</u>	II-2 [TDOA]	<p>Memorandum of Agreement. It is the intent of the Legislature that the Department on Aging maintain a Memorandum of Agreement with the Department of Human Services which specifies that there will be no duplication of services to older persons served by the Department on Aging and older persons served by the Department of Human Services.</p> <p>Justification for the change: <i>This rider is recommended for deletion as a memorandum of agreement as these two agencies were consolidated into the new Department of Aging and Disability Services per H.B. 2292.</i></p>		

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4 <u>115</u>	II-2 [TDOA]	<p>Appropriation and Unexpended Balances: Affordable Housing for the Elderly. Funds appropriated above include fees collected pursuant to § 394.902, Local Government Code, and § 101.022, Human Resources Code, as amended, for the purpose of promoting affordable housing for the elderly ((\$360,000 <u>\$840,000</u> for the biennium). The Department on Aging <u>Department of Aging and Disability Services</u> shall submit a report to the Legislative Budget Board and the Governor by October 1 of each year. The report shall identify for the prior fiscal year the amount of fees collected and deposited into the General Revenue Fund, the dollar value of grants issued with such funds, the number of persons or entities receiving grants, and the specific purposes for which grants were issued.</p> <p>Any unexpended balances in fees collected to promote affordable housing for the elderly for the fiscal year ending August 31, 2004 <u>2006</u>, may be carried forward into fiscal year 2005 <u>2007</u>, and such balances are hereby appropriated. <u>Should any collected fees remain unobligated at the end of the biennium, such balances are hereby appropriated to the Department for the following biennium.</u></p> <p>In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above to be within the amount of revenue expected to be available.</p> <p>Justification for the change: <i>This rider is updated to reflect the estimated fee collections the department expects to collect during the FY 2006-2007 biennium. The current rider restricts the amount of collected fees the department is able to utilize to \$180,000 per year. It is recommended that the level be increased to allow for utilization of all funds collected, and if those funds are not spent that the department will be given authority to carry these funds within the FY2006-2007 biennia and if necessary into the following biennia.</i></p>		
5 <u>116</u>	II-3 [TDOA]	<p>Area Agencies on Aging. It is the intent of the Legislature that if the Department on Aging plans to alter local planning and service areas in effect on September 1, 2003, that the department receive approval from the Health and Human Services Commission and that the Governor and the Legislative Budget Board be notified before the adoption of such plans.</p> <p>Justification for the change: <i>This rider is recommended for deletion. H.B. 2292 contains a provision relating to the number of area agencies on aging. Any modification in the number of area agencies on aging or their designated planning areas will require a change in legislation.</i></p>		

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6 <u>117</u>	II-3 [TDOA]	<p data-bbox="625 289 1969 350">Criminal Background Checks. Out of funds appropriated above, the Department on Aging may contract with the Department of Public Safety to conduct criminal background checks on new staff and volunteer ombudsmen.</p> <p data-bbox="625 383 1843 474">Justification for the change: <i>This rider is requested for deletion as the department has this process defined in their current operating procedures.</i></p>		