

ARTICLE II HHSC RIDERS: SPECIAL PROVISIONS

**Sec. 9. Audit of Medicaid Funds.** All transactions involving the payment, transfer, or investment of any funds of the Title XIX Medicaid program for the state by any non-governmental entity shall be subject to audit by the State Auditor's Office.

**Sec. 15. Transfer Authority Related to TxHmL Waiver.** Notwithstanding the limitations on transfer authority in Special Provisions Relating to All Health and Human Services Agencies, Sec. 6, Limitations on Transfer Authority, and Article IX, Sec. 14.01, Appropriation Transfers, and contingent on the transition of Medicaid program benefits for persons enrolled in TxHmL to the STAR+PLUS program, or other capitated managed care program, the HHSC Executive Commissioner may transfer GR and Federal Funds appropriated in FY 2019 in Strategy A.3.4, TxHmL to Strategy A.1.1, Aged and Medicare-Related and Strategy A.1.2, Disability Related. Transfer is limited to amounts necessary to provide services previously available from TxHmL through a capitated managed care program. Should HHSC decide to continue operation of TxHmL for purposes of providing services not available under managed care, amounts sufficient to provide those services should be retained in Strategy A.3.4, TxHmL. HHSC shall notify the LBB and Governor's Office of the actual transfer amounts and estimated impact on performance measures at least 60 days prior to transferring funds. Transfers are contingent upon HHSC submitting documentation describing any analyses conducted to determine the cost-effectiveness of the managed care delivery model chosen for the persons transitioning from TxHmL pursuant to Government Code §534.201(b). This information shall be submitted at the same time as the notification of transfer amounts. **[This Rider is null and void upon the governor's signature of HB 3295 (Klick) which moves the carve-in date of TxHmL into STAR+PLUS from 9-1-2018 to 9-1-2020.]**

**Sec. 20. Health Insurance Providers Fee.** Included in amounts appropriated elsewhere in this Act for FY 2019 is \$179,540,106 in GR Funds (\$435,594,869 in All Funds) to reimburse MCOs for payment of the Health Insurance Providers Fee pursuant to Section 9010 of the Affordable Care Act and associated federal income tax. Contingent upon a judgment of the Supreme Court of the United States declaring Section 9010 unconstitutional, enactment of federal law repealing Section 9010, or judgment of the Supreme Court of the United States or enactment of federal law amending Section 9010 to make reimbursement of the fee optional for states, HHSC shall cease any reimbursements to MCOs for payment of the fee and tax. Unless the Commission obtains prior written approval from the LBB and the Governor to use these funds for an alternate purpose, any amounts identified in this section that remain unexpended shall lapse to the treasury at the end of the fiscal year.

**Sec. 23. Waiver Program Cost Limits.**

a. Individual Cost Limits for Waiver Programs. It is the intent of the Legislature that HHSC comply with the cost-effectiveness requirements of the CMS and set the individual cost limit for each waiver program as follows:

- (1) MDCP: 50 percent of the reimbursement rate that would have been paid for that same individual to receive services in a nursing facility on August 31, 2010;
- (2) CLASS: The fixed amount of \$114,736.07 based on historical annualized per capita cost of providing services in an ICF/IID to an individual qualifying for an ICF/IID Level of Care VIII;
- (3) DBMD: The fixed amount of \$114,736.07 based on historical annualized per capita cost of providing services in an ICF/IID to an individual qualifying for an ICF/IID Level of Care VIII;
- (4) HCS: 200 percent of the reimbursement rate that would have been paid for that same individual to receive services in an ICF/IID on August 31, 2010; and
- (5) STAR+PLUS CBA: 202 percent of the reimbursement rate that would have been paid for that same individual to receive services in a nursing facility.

b. Use of GR for Services.

(1) Out of funds appropriated for the waiver programs identified above, and subject to the terms of subsection (c) below, the commission is authorized to use GR Funds to pay for services if:

- (i) the cost of such services exceeds the individual cost limit specified in a medical assistance waiver program listed above;
- (ii) federal financial participation is not available to pay for such services; and
- (iii) the commission determines that:
  - (a) the person's health and safety cannot be protected by the services provided within the individual cost limit established for the program; and
  - (b) there is no other available living arrangement in which the person's health and safety can be protected at that time, as evidenced by:
    - (i) an assessment conducted by clinical staff of the commission; and
    - (ii) supporting documentation, including the person's medical and service records.

(2) Out of funds appropriated for the waiver programs identified above, and subject to the terms of subsection (c) below, HHSC is authorized to use GR Funds to continue to provide services to a person who was receiving medical assistance waiver program services on September 1, 2005, at a cost that exceeded the individual cost limit specified in the medical assistance waiver program if:

- (i) federal financial participation is not available to pay for such services; and
- (ii) continuation of those services is necessary for the person to live in the most integrated setting appropriate to the needs of the person.

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(3) Authority provided in (b) (1) and (b) (2) above is contingent upon the agency submitting a report in writing to the LBB and Governor on October 1 of each year of the biennium. The report shall include the number of clients by program which exceeds cost limits and the unmatched GR associated with each by fiscal year.

c. HHSC shall evaluate the possible incorporation of the limitations described in section a. above into the Texas Administrative Code

**Sec. 24. Nurse Home Visiting Programs.** In an effort to leverage federal matching funds to support nurse home visiting services, including Nurse Family Partnership services, DFPS and HHSC may explore the feasibility and cost-effectiveness of securing federal funds for nurse home visiting services. HHSC may consider all potential options, including existing coverage categories and delivery system models.

**Sec. 25. Review and Report: Health and Human Services System and Managed Care.** Out of funds appropriated elsewhere in Article II of the Act in Strategy L.1.1, HHS System Support, in HHSC bill pattern, HHSC shall conduct a review of health and human services in the state to evaluate opportunities to streamline case management services. The review shall be done in collaboration with DFPS, DSHS, and Medicaid and Children's Health Insurance Program (CHIP) Managed Care Organizations (MCOs) and shall:

- a. Evaluate whether adjustments to capitation rates are necessary for Medicaid members receiving case management services independent of care coordination provided by managed care staff, such as the provision of targeted case management services by local providers;
- b. Evaluate administrative efficiencies and potential reductions in duplication from streamlining related benefits such as MCO home health services and MCO provided care coordination;
- c. Identify opportunities to clarify the division of responsibilities for case management services provided to children in STAR Health MCOs, DFPS contracted entities, and other providers of case management services; and
- d. If feasible, identify opportunities for ensuring that a single entity is designated as the primary case manager for Medicaid clients.

HHSC shall submit report to LBB and Governor by May 1, 2018, detailing its findings concerning the costs associated with duplicative effort, inefficiencies, and ineffective care in health and human services in the state.

**Sec. 26. Administrative Savings in the Health and Human Services System.** Out of funds appropriated elsewhere in Article II of the Act in Strategy L.1.1, HHS System Support, HHSC bill pattern, HHSC shall collaborate with DFPS and DSHS to conduct a review of the administrative functions of the health and human services agencies listed in Article II of this Act.

The review shall include the identification of potential GR savings related to increased administrative efficiencies and the elimination of duplicative administrative functions. The review shall also consider the effectiveness of staffing levels dedicated to administrative functions.

HHSC, DFPS, and DSHS shall develop a plan to achieve the potential GR savings identified above and submit a report to the Transition Legislative Oversight Committee, established pursuant Government Code, §531.0203, LBB and the Governor no later than September 1, 2018. The report shall include information regarding the consolidation of administrative functions pursuant to Senate Bill 200, Eighty-fourth Legislature, 2015, and the savings identified above by strategy, fiscal year, full-time equivalents, and method of finance. HHSC, DFPS, and DSHS may submit the above information in an individual report prepared in a format specified by the LBB or include the information in the report required pursuant to Government Code, §531.02031.

**ARTICLE IX**

**Sec. 10.04. Sec. 10.04. Statewide Behavioral Health Strategic Plan and Coordinated Expenditures.**

(a) Informational Listing - Behavioral Health and Substance Abuse Services Appropriations. The following is an informational listing of appropriations for behavioral health services made elsewhere in this Act. Behavioral health services are programs or services directly or indirectly related to the research, prevention, or detection of mental disorders and disabilities, and all services necessary to treat, care for, control, supervise, and rehabilitate persons who have a mental disorder or disability, including persons whose mental disorders or disabilities result from alcoholism or drug addiction. Certain non-behavioral health-related costs which could not be disaggregated from other healthcare costs are also included in the listing below.

[Only Article II funds for FY 2018 and FY 2019 are listed below.]

**Article II**

Department of Family and Protective Services :	\$26,423,236	\$26,423,236
Health and Human Services Commission:	\$1,617,799,305	\$1,622,603,238
Texas Civil Commitment Office:	\$154,611	\$154,611

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**(b) Statewide Behavioral Health Coordinating Council.** Each agency identified in subsection (a) of this provision, shall designate an individual to serve as a member of the statewide behavioral health coordinating council, established by Article IX Section 10.04(b), 2016-17 General Appropriations Act (GAA), Eighty-fourth Legislature, 2015, and may use funds appropriated by this Act to support that council. In addition to the agencies identified in subsection (a) of this provision, the Texas Department of Housing and Community Affairs, the Texas Workforce Commission, and the Texas Education Agency shall each designate an individual to serve as a representative on the council. Any other state agency or institution that receives funding in this Act and provides specific behavioral health services may participate in the meetings and discussions of the coordinating council. The Mental Health Statewide Coordinator at HHSC shall serve as chair of this council. The coordinating council shall meet at least once quarterly during fiscal years 2018 and 2019, or more frequently if determined necessary by the Mental Health Statewide Coordinator at HHSC.

HHSC shall require certain community collaboratives that receive state grant funding to present twice annually on the impact each collaborative has had on project implementation and mental health outcomes on the population served by the grant funding. These community collaboratives shall include community collaboratives as defined by Government Code Chapter 539; community recipients of a grant for veteran's mental health pursuant to Government Code 531.0092; recipients of a grant to reduce recidivism, arrest, and incarceration among individuals with mental illness and to reduce wait time for forensic commitment as established contingent on the passage of House Bill 12, relating to individuals who are or may be persons with a mental illness or an intellectual disability and who are or have been involved with the court system, or similar legislation by the Eighty-fifth Legislature, Regular Session; and recipients of a mental health grant as established contingent on the passage of House Bill 13, relating to the creation of a matching grant program to support community mental health programs for individuals experiencing mental illness, or similar legislation by the Eighty-fifth Legislature, Regular Session. It is the intent of the Legislature that these presentations serve as an opportunity to increase collaboration for the effective expenditure of behavioral health funds between state and local entities. No provision of this Act may be construed as granting the statewide behavioral health coordinating council authority over local projects implemented by the collaboratives listed above.

**(c) Statewide Behavioral Health Strategic Plan.** The purpose of the statewide behavioral health coordinating council shall be to implement the five-year Statewide Behavioral Health Strategic Plan published May 1, 2016 per Article IX Section 10.04(b), 2016-17 GAA, Eighty-fourth Legislature, 2015. The Statewide Behavioral Health Coordinating Council shall submit an annual report to the Governor, and the Legislative Budget Board including the progress of the strategic plan's implementation no later than December 1 of fiscal years 2018 and 2019. The report shall include coordinating council agency participation and how the strategic plan's implementation serves to coordinate programs and services to eliminate redundancy, utilize best practices in contracting standards, perpetuate identified, successful models for mental health and substance abuse treatment, ensure optimal service delivery, and identify and collect comparable data on results and effectiveness. The coordinating council shall annually update the inventory of behavioral health programs and services. The inventory shall describe how the identified programs, services, initiatives, and expenditures further the goals of the Statewide Behavioral Health Strategic Plan. HHSC shall make available the 5-year strategic plan update and inventory of programs on HHSC's website no later than December 1 of each fiscal year.

**(d) Coordination of Behavioral Health Expenditures.** The coordinating council shall submit to the Executive Commissioner of HHSC for approval a coordinated statewide expenditure proposal for each agency, which shall include the appropriation amounts identified in subsection (a) of this provision. The expenditure proposal shall describe how the identified appropriations at each agency or institution would be spent in accordance with, and to further the goals of the approved statewide behavioral health strategic plan. HHSC shall submit the coordinated statewide behavioral health expenditure proposal to the LBB by October 1, 2017 for FY 2018 and by July 1, 2018 for FY 2019. The plan shall be considered to be approved unless the LBB issues written disapprovals by November 1, 2017 for FY 2018, or by September 1, 2018 for FY 2019.

Notwithstanding any other appropriation authority granted by this Act, the Comptroller of Public Accounts shall not allow the expenditure of General Revenue-Related funds identified in subsection (a) by a particular agency if the Legislative Budget Board provides notification to the Comptroller of Public Accounts that the agency's expenditure proposal has not satisfied the requirements of this provision. If FY 2018 or FY 2019 General Revenue-Related funds are used to provide services required by federal law, are related to court-ordered treatment, or required as the result of administrative proceedings, the funding for these services shall still be included in the proposal, but these funds shall not be contingent upon approval.

The coordinated expenditure proposal shall be developed in a format specified by the LBB, and shall, at a minimum, included expenditures related to each program identified in the program inventory required by subsection (c) of this provision, identified by fund type. Behavioral health-related Medicaid expenditures shall also be included as a separate line item for each agency

**Sec. 10.05. Funding for Autism Services.** Appropriated elsewhere in this Act for autism services is \$22,255,310 in GR for the 2018-19 biennium, which is allocated to the following agencies for the following purposes:

(a) HHSC: GR Funds totaling \$14,155,310 for the biennium for focused Applied Behavior Analysis (ABA) treatment services.

(b) Texas Higher Education Coordinating Board (THECB): GR Funds totaling \$8,100,000 for the 2018-19 biennium to distribute to autism research centers at institutions of higher education that currently provide evidence-based behavioral services and training, in the amounts and for the purposes as follows:

(1) Parent-directed Treatment: \$2,250,000 per fiscal year to serve 750 children per year;

(2) Board-certified Behavioral Analyst (BCBA) Training for Teachers/Paraprofessionals: \$950,000 per fiscal year to serve 2,547 children per year. The research centers may contract with educational service centers to provide this training;

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<p>(3) Research, development and evaluation of innovative autism treatment models: \$700,000 per fiscal year;</p> <p>(4) Administrative support of the programs in subsections (b)(1) through (b)(3): \$150,000 per fiscal year may be expended by the Higher Education Coordinating Board;</p> <p>(5) If funds appropriated under Subsections (b)(1), (2), or (3) exceed the funds that can be expended in accordance with the requirements of that subsection, the Higher Education Coordinating Board may expend the excess funds on any purpose described in Subsections (b)(1), (2) or (3); and</p> <p>(6) Any unexpended balances on hand at the end of fiscal year 2018 are hereby appropriated for the same purpose for fiscal year 2019.</p> <p>(c) THECB shall gather data on the above programs from each institution's autism research center and submit an annual report on the effectiveness of each program, including the number of children served, the number of parents and/or teachers/paraprofessionals trained, and the results of the research on innovative treatment models. The report shall be submitted no later than September 1 of each year to the LBB, Office of the Governor, the Chair of the House Appropriations Committee, Chair of the Senate Finance Committee, Speaker of the House, and Lieutenant Governor.</p>
<p><b>Sec. 13.08. Funding Reductions.</b> In the event that federal programs that authorize federal funds included in this Act are eliminated, consolidated, or replaced with new federal programs and funding authorization or block grants, or the federal funds appropriated to agencies are reduced, any reduction or reallocation of federal funds will be distributed across affected agencies and programs to pattern the strategies and programs included in this Act to the extent possible without restricting the state's ability to receive federal funds, in accordance with a plan adopted by the designated single state agency or otherwise by each affected agency. An agency shall provide a copy of the plan to the LBB and the Governor.</p>
<p><b>Sec. 15.03. Contingency Appropriation Reduction.</b></p> <p>(a) After considering all other contingency riders in this Act and all legislation passed by the Eighty-fifth Legislature that affects revenue, if the appropriations made by Articles I through X of this Act exceed the estimated available revenue, all appropriations made under this Act out of the General Revenue Fund and General Revenue-Dedicated accounts are automatically reduced on a pro-rata basis by the amount necessary, if any, to ensure that the total amount appropriated does not exceed the estimated revenue, pursuant to Article 3, §49a, Texas Constitution; provided, however, that appropriations described under Subsection (c) of this section shall not be reduced.</p> <p>(b) The Comptroller shall report the amount of the automatic reductions, if any, to the Governor and Legislative Budget Board.</p> <p>(c) Appropriations described under this Subsection (c) that may not be reduced by an action taken pursuant to this section are as follows: <i>[None of the programs or Articles excluded from reduction pertain to Article II services, although the last item listed states "appropriations designated as 'estimated" with no specification to a program, service, agency or Article included in the budget.]</i></p>
<p><b>Sec. 16.05. Incidents Report: State Supported Living Centers and State Hospitals.</b> Each fiscal year of the biennium, before November 1, the Attorney General shall report to the LBB a listing of all claims made and all incidents reported by any agency to the Attorney General during the previous fiscal year which might result in a claim being made which might result in a settlement or judgment of more than \$100,000 resulting from an incident involving an injury to a resident of a SSLC or a client of a state hospital. The report shall include a summary of the employment status of all state employees and their supervisors involved in or witness to the injury to the resident of a SSLC or a client of a state hospital and a summary of personnel actions taken with regard to each of those employees as a result of the incident.</p>
<p><b>Sec. 17.10. Contract Cost Containment.</b> <i>[Initially, this directive was only included in the House budget. The conference committee adopted it with changes. Strike-overs reflect the language deleted; text in blue is the language that was added.]</i></p> <p>It is the intent of the Legislature that <b>all agencies and institutions of higher education</b> find savings in contracted goods and services to ensure the cost-effective use of state appropriations regardless of method of finance or source of funds. Appropriations of GR and GR-Dedicated Funds made elsewhere in this Act are reduced by the amounts listed below. Affected agencies shall identify and execute savings and efficiencies in their use of contracted goods and services.</p> <p>a. <u>In addition to canceling contracts for which the agency does not have sufficient appropriations, agencies and institutions should implement the following strategies to the extent allowable by state statute and the Contract Management Guide:</u></p> <ol style="list-style-type: none"><li>1) Modify contract statements of work to remove non-essential services or requirements;</li><li>2) <del>[Provide services previously outsourced; any increase in full-time equivalents needed to provide such services must receive prior approval.]</del> <u>Provide services previously outsourced; any increase in full-time equivalents needed to provide such services are subject to the approval process established by Article IX, Section 6.10 of this Act;</u></li><li>3) <del>[Reduce staff augmentation contracts for non-essential functions;]</del> <u>Reduce staff augmentation contracts for non-essential functions; if an agency cannot fill a classified information technology position (class number 0210-0328), the agency may re-classify the position up to Salary Schedule Group B32 provided in this Act if it provides written notice to the Legislative Budget Board, State Auditor's Office, and Comptroller's Office at least 30 calendar days prior to filling the position. The request shall be considered approved unless disapproved by the Legislative Budget Board;</u></li><li>4) Ensure provisions related to service level and pricing mechanisms in existing contracts are correctly enforced;</li><li>5) Enforce damage provisions for vendor non-performance and collect monetary refunds for improper payments to vendors;</li><li>6) Ensure dollar values of performance bonds and insurance are consistent with risk of nonperformance and reduce requirements if it is prudent to do so;</li><li>7) Use TxSmartBuy, term contracts, and cooperative contracts whenever possible;</li></ol>

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- 8) Modify supplier terms and discounts.
- 9) Consolidate purchasing requests and delivery intervals;
- 10) While ensuring the maximum use of competitive sourcing, consolidate contracts for similar services into the fewest vendors possible to reduce duplication of effort;
- 11) Reduce on-hand quantities of inventoried items and centralize warehouses; and
- 12) Encourage vendors to identify potential cost savings.

b. In addition, an agency or institution of higher education may not use funds appropriated elsewhere in this Act to pay for contracted goods or services unless it:

1) ~~[Seeks competitive bids before renewing or extending any contract valued at \$50,000 or more.]~~ (1) Seeks competitive bids before renewing or extending a contract that has been in effect more than three fiscal years as of August 31, 2017 and is valued at the lesser of \$10,000,000 or 10 percent of the agency's All Funds budget for the 2018-19 biennium. The following contracts are exempt from the requirements of Subsection (b)(1) of this § 17.10:

- (A) TxSmartBuy, term, and cooperative contracts administered by the Comptroller or Department of Information Resources;
- (B) grants;
- (C) interagency contracts;
- (D) contracts that relate to a construction project as defined by §2166.001, Government Code;
- (E) contracts that relate to highway construction or highway engineering;
- (F) contracts that relate to developing information resource technologies; and
- (G) contracts not required by law to be competitively bid

2) Conducts a cost-benefit analysis to compare canceling or continuing any contract related to a major information resource project subject to Quality Assurance Team (QAT) monitoring that is more than 50 percent over budget or over schedule. QAT must re-approve the cost-benefit analysis for the project to continue.

~~[e. In addition to the provisions listed above, HHSC shall identify and execute savings in Medicaid contracts by:~~

- ~~1) Reducing reliance, to the extent permissible under federal guidelines, on contracted actuarial services;~~
- ~~2) Ensuring collaboration between the Medicaid and CHIP data analytics unit and the HHSC actuarial staff to investigate and analyze any anomalies in the expenditure data;~~
- ~~3) Evaluating methodology used to develop trend factors and other growth assumptions and ensuring it properly accounts for growth that could be considered one-time rather than ongoing;~~
- ~~4) Using competitive bidding as required in the Texas Government Code and federal laws;~~
- ~~5) Ensuring all programs are meeting cost effectiveness requirements in the Texas Government Code, including the requirements established in Texas Government Code 533.0025; and~~
- ~~6) Conducting a cost-benefit analysis of contracted services for the provision of agency-related human resource functions. ]~~

c. **Each agency and institution of higher education** that receives appropriations in this Act, shall provide a report to the LBB and the Governor that details strategies implemented, savings realized, and any other information required by the LBB from contract cost containment efforts. The first report is due not later than September 30, 2018; 2<sup>nd</sup> report by August 31, 2019.

d. The specified reductions in 2018-19 GR and GR-Dedicated funds call for a **total savings of [ \$496.3 million.] \$34.0 million.**

**Sec. 17.16. Informational Listing of Certain Appropriations.** Below is an informational listing of appropriations made in Articles I-VIII from the **Economic Stabilization Fund (Rainy Day Fund)**.

**One-time Grants to Local Entities**

- Disaster grants \$110,000,000
- Bullet Proof Vests \$25,000,000
- Alamo \$75,008,961
- E-Rate grants to schools and libraries \$26,000,000
- Courthouse preservation \$19,200,000
- Historical museums \$5,100,000
- Defense Economic Adjustment Assistance Grants \$20,000,000

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**Health and Safety Repair**

State Hospitals \$300,000,000  
State Supported Living Centers/State Hospital Critical Repairs \$160,000,000  
Facilities Commission - Deferred Maintenance \$90,000,000  
TJJD \$12,100,000  
TDCJ - Deferred Maintenance \$40,000,000  
Well plugging - Railroad Commission \$38,200,000

**Other State Facilities Construction Needs**

Military Department - including armories \$16,300,000  
DPS, including training facility \$15,000,000  
State office buildings - LBJ Renovations \$13,600,000  
State office buildings - GJ Sutton \$4,800,000  
TDCJ Infirmaries \$2,000,000  
Facilities Construction at TSBVI \$2,000,000  
TFC Master Plan at TSD (Central Service Center) \$10,400,000  
School For Deaf - Toddler Center \$4,200,000

**TOTAL \$988,908,961**

**Sec. 18.01. Contingency for [House Bill 4](#).** [HB 4 has been signed by the Governor.] The following funding adjustments are included in Article II, DFPS, and are contingent on the enactment of House Bill 4, or similar legislation related to monetary assistance provided by DFPS to certain relative or designated caregivers, by the Eighty-fifth Legislature, Regular Session.

- a. Strategy B.1.11, Relative Caregiver Payments is increased by \$8,383,305 in GR and \$16,271,678 in TANF Federal Funds in FY 2018 and by \$10,186,873 in GR and \$16,271,678 in TANF Federal Funds in FY 2019.
- b. Strategy B.1.9, Foster Care Payments is reduced by \$9,351,685 in GR Funds and \$13,653,804 in All Funds in FY 2018 and by \$9,403,782 in GR Funds and \$13,776,575 in All Funds in FY 2019.
- c. Strategy F.1.1, Agency-Wide Automated Systems is increased by \$185,289 in GR Funds and \$250,000 in All Funds in FY 2018.

**Sec. 18.02. Contingency for [House Bill 7](#).** [HB 7 has been signed by the Governor.] Contingent on enactment of House Bill 7, or similar legislation relating to child protective services suits, motions, and services by DFPS by the Eighty-fifth Legislature, Regular Session, in addition to amounts appropriated elsewhere in this Act, DFPS is appropriated:

- a. \$262,529 in All Funds, including \$236,276 in GR Funds, in Strategy B.1.1. CPS Direct Delivery Staff, and 3.0 FTEs in fiscal year 2018, and \$237,546 in All Funds, including \$213,791 in General Revenue Funds, in Strategy B.1.1. CPS Direct Delivery Staff, and 3.0 FTEs in fiscal year 2019 to provide evidence before an adversary hearing, and \$78,224 in All Funds, including \$70,402 in General Revenue Funds, in Strategy B.1.2. CPS Program Support in each fiscal year of the 2018-19 biennium for producing the evidence before the adversary hearing, and;
- b. \$625,695 in All Funds, including \$563,125 in GR Funds, in Strategy B.1.1. CPS Direct Delivery Staff, and 7.2 FTEs in FY 2018, and \$566,150 in All Funds, including \$509,535 in GR Funds, in Strategy B.1.1. CPS Direct Delivery Staff, and 7.2 FTEs in FY 2019 to implement the provisions of the legislation related to admissions of minors into inpatient mental health facilities using a probate court process

**Sec. 18.08. Contingency for [HB 280](#).** [Relates to Nurses; the bill passed, but has not yet been signed by the Governor.]

- a. Contingent on enactment of House Bill 280, or similar legislation relating to a grant program for reducing workplace violence against nurses, by the Eighty-fifth Legislature, Regular Session, the Board of Nursing is appropriated \$328,000 in GR in FY 2018 and \$339,000 in GR in FY 2019 to implement the provisions of the legislation. This appropriation is also contingent on the Board of Nursing assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this Act, during the 2018-19 biennium, \$667,000 in excess of \$26,000,000 (Object Code 3560) contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for FYs 2018 and 2019. The Board of Nursing, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Nursing's minutes and other information supporting the estimated revenues to be generated for the 2018-19 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.
- b. Contingent on enactment of House Bill 280, or similar legislation relating to a grant program for reducing workplace violence against nurses, by the Eighty-fifth Legislature, Regular Session, the Board of Nursing shall establish an Interagency Contract with the DSHS to provide funding for the Texas Center for Nursing Workforce Studies of \$328,000 in fiscal year 2018 and \$339,000 in fiscal year 2019 from appropriations provided in subsection (a) above.

FINAL ARTICLE II SPECIAL PROVISIONS & ARTICLE IX RIDERS/DIRECTIVES – JUNE 5, 2017

**Sec. 2950. Contingency for [HB 2950](#).** [[HB 2950](#), related to continuation of the **Texas BON** passed; pending signature of Governor] Contingent on enactment of House Bill 2950, or similar legislation relating to the continuation and functions of the Texas Board of Nursing and to the regulation of the practice of nursing, by the Eighty-fifth Legislature, Regular Session, the Board of Nursing is appropriated \$50,050 in GR in FY 2019 to implement the provisions of the legislation. This appropriation is also contingent on the Board of Nursing assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this Act, during the 2018-19 biennium, \$50,050 in excess of \$26,000,000 (Object Code 3560) contained in the Comptroller's Biennial Revenue Estimate for FYs 2018 and 2019. The Board of Nursing, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Board of Nursing's minutes and other information supporting the estimated revenues to be generated for the 2018-19 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.

**Sec. 18.37. Sec. 18.37. Contingency for [SB 589](#).** [[Passed](#), pending Governor's signature.] Contingent on enactment of Senate Bill 589, or similar legislation relating to the licensing and regulation of behavior analysts and assistant behavior analysts, by the Eighty-fifth Legislature, Regular Session, the Texas Department of Licensing and Regulation is appropriated \$90,961 in General Revenue in fiscal year 2018 and \$187,970 in General Revenue in FY 2019 to implement the provisions of the legislation. In addition, the Number of FTEs in the agency's bill pattern is increased by 1.2 FTEs in FY 2018 and 3.5 FTEs in FY 2019. This appropriation is also contingent on the Department of Licensing and Regulation assessing or increasing fees sufficient to generate, in addition to revenue requirements elsewhere in this Act, during the 2018-19 biennium, \$364,704 in excess of \$75,479,402 (Object Codes 3562, 3717, 3770, 3030, 3035, 3146, 3147, 3160, 3161, 3164, 3175, 3366, 3560, 3727) contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2018 and 2019. The Department of Licensing and Regulation, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of the Licensing and Regulation Commission's minutes and other information supporting the estimated revenues to be generated for the 2018-19 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes. For informational purposes, the amount of increased revenue identified above reflects amounts sufficient to cover direct appropriations of \$278,931 and other direct and indirect costs (estimated to be \$85,773 for the 2018-19 biennium).