



FLOOR AMENDMENT NO. \_\_\_\_\_

BY: *Jon Rose*  
(ROSE)

1 Amend C.S.S.B. No. 457 (house committee report) by adding the  
2 following appropriately numbered SECTION to the bill and  
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Subchapter D, Chapter 532, Government Code,  
5 is amended by adding Section 532.0159 to read as follows:

6 Sec. 532.0159. CONTINUED REIMBURSEMENT OF NURSING

7 FACILITIES WHILE CHANGE IN OWNERSHIP APPLICATION PENDING. (a)

8 Notwithstanding any other law, the commission shall ensure that a  
9 nursing facility providing Medicaid services to recipients  
10 continues to receive Medicaid reimbursement uninterrupted while a  
11 change in ownership application for the facility is pending with  
12 the commission, provided the facility under the new ownership:

13 (1) accepts assignment of the previous owner's  
14 Medicaid provider agreement subject to applicable federal and state  
15 law, including applicable federal and state regulations;

16 (2) satisfies applicable requirements under federal  
17 and state law, including the licensing requirement under Chapter  
18 242, Health and Safety Code;

19 (3) if required by the terms of and agreed to by the  
20 parties to the contract, assumes the contract to deliver Medicaid  
21 nursing facility services in effect before the change in ownership;

22 (4) subject to Subsection (b), enters into a successor  
23 liability agreement, approved by the commission; and

24 (5) meets any additional requirements prescribed by  
25 the commission.

26 (b) A successor liability agreement under Subsection (a)(4)  
27 must require that the facility under the new ownership:

28 (1) pay the commission for any outstanding liabilities  
29 under the contract in effect before the change in ownership that are

1 identified by the commission; and

2 (2) agree that an outstanding liability identified by  
3 the commission may include a liability incurred by the previous  
4 owner without regard to:

5 (A) when a service was provided or a claim was  
6 filed; or

7 (B) whether the liability is identified by the  
8 commission or another authorized entity, including a Medicaid  
9 managed care organization.

10 (c) This section does not apply to a supplemental payment  
11 program or a directed payment program, as defined by Section  
12 532.0102, operated or administered by the commission.

13 (d) The executive commissioner shall adopt rules necessary  
14 to implement this section.