

By: Raney

H.B. No. 3916

A BILL TO BE ENTITLED

AN ACT

relating to the reimbursement of certain durable medical equipment providers participating in the Medicaid managed care program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 533.005, Government Code, is amended by adding Subsection (i) to read as follows:

(i) In addition to the requirements specified by Subsection (a) and notwithstanding any other law, a contract described by that subsection must require the managed care organization to reimburse a specialty provider of durable medical equipment and related supplies and services who provides the equipment, supplies, or services to a recipient at a rate that is at least equal to 95 percent of the rate paid under the Medicaid fee-for-service fee schedule.

SECTION 2. (a) The Health and Human Services Commission shall, in a contract between the commission and a managed care organization under Chapter 533, Government Code, that is entered into or renewed on or after the effective date of this Act, require that the managed care organization comply with Section 533.005(i), Government Code, as added by this Act.

(b) The Health and Human Services Commission shall seek to amend contracts entered into with managed care organizations under Chapter 533, Government Code, before the effective date of this Act to require those managed care organizations to comply with Section

1 533.005(i), Government Code, as added by this Act. To the extent of
2 a conflict between Section 533.005(i), Government Code, as added by
3 this Act, and a provision of a contract with a managed care
4 organization entered into before the effective date of this Act,
5 the contract provision prevails.

6 SECTION 3. If before implementing any provision of this Act
7 a state agency determines that a waiver or authorization from a
8 federal agency is necessary for implementation of that provision,
9 the agency affected by the provision shall request the waiver or
10 authorization and may delay implementing that provision until the
11 waiver or authorization is granted.

12 SECTION 4. This Act takes effect September 1, 2023.