

By: Hefner

H.B. No. 4888

A BILL TO BE ENTITLED

AN ACT

relating to Medicaid coverage and reimbursement for non-opioid treatments.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.03117 to read as follows:

Sec. 32.03117. REIMBURSEMENT FOR NON-OPIOID TREATMENTS.

(a) In this section:

(1) "Non-opioid treatment" means:

(A) a drug or biological product that is indicated to produce analgesia without acting on the body's opioid receptors; or

(B) an implantable, reusable, or disposable medical device:

(i) approved for use by the United States Food and Drug Administration for the intended use of eliminating or reducing pain; and

(ii) that has demonstrated the ability to replace, reduce, or avoid opioid use.

(2) "OPD services" has the meaning assigned by 42 U.S.C. Section 1395l(t)(1)(B).

(b) The commission shall ensure that medical assistance reimbursement is provided to a provider who provides a non-opioid treatment to a recipient under the medical assistance program.

1 (c) The executive commissioner by rule shall ensure that, to
2 the extent permitted by federal law, a provider who provides OPD
3 services to a medical assistance recipient is reimbursed separately
4 under the medical assistance program for any non-opioid treatment
5 provided as a part of those services.

6 SECTION 2. 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 3. This Act takes effect September 1, 2023.