

By: Miles

S.B. No. 1411

A BILL TO BE ENTITLED

1 AN ACT
2 relating to Medicaid coverage and reimbursement for emergency
3 outpatient dialysis treatment provided to certain individuals with
4 end stage renal disease.

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

6 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,
7 is amended by adding Section 32.02465 to read as follows:

8 Sec. 32.02465. MEDICAL ASSISTANCE COVERAGE AND
9 REIMBURSEMENT FOR CERTAIN PERSONS REQUIRING EMERGENCY OUTPATIENT
10 DIALYSIS TREATMENT. (a) This section applies only to an individual
11 who:

12 (1) has end stage renal disease; and
13 (2) in accordance with Section 1903(v), Social
14 Security Act (42 U.S.C. Section 1396b(v)), is eligible for medical
15 assistance benefits if the benefits are necessary to treat an
16 emergency medical condition.

17 (b) For purposes of 42 C.F.R. Section 440.255, emergency
18 services required to treat an emergency medical condition include
19 outpatient dialysis treatment provided at a hospital or end stage
20 renal disease facility, as defined by Section 251.001, Health and
21 Safety Code, to an individual to whom this section applies.

22 (c) The commission shall ensure that medical assistance
23 reimbursement authorized under Section 1903(v), Social Security
24 Act (42 U.S.C. Section 1396b(v)), is provided for outpatient

1 dialysis treatment provided to an individual to whom this section
2 applies.

3 SECTION 2. If before implementing any provision of this Act
4 a state agency determines that a waiver or authorization from a
5 federal agency is necessary for implementation of that provision,
6 the agency affected by the provision shall request the waiver or
7 authorization and may delay implementing that provision until the
8 waiver or authorization is granted.

9 SECTION 3. This Act takes effect September 1, 2023.