

By: LaMantia

S.B. No. 2177

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment of the Autism Medicaid Services
3 Program Advisory Committee to evaluate the provision of applied
4 behavior analysis services under Medicaid.

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

6 SECTION 1. Subchapter A, Chapter 531, Government Code, is
7 amended by adding Section 531.0122 to read as follows:

8 Sec. 531.0122. AUTISM MEDICAID SERVICES PROGRAM ADVISORY
9 COMMITTEE. (a) In this section:

10 (1) "Advisory committee" means the Autism Medicaid
11 Services Program Advisory Committee established under this
12 section.

13 (2) "Program" means the autism Medicaid services
14 program administered by the commission under Medicaid to provide
15 applied behavior analysis services to recipients with autism
16 spectrum disorder.

17 (b) In accordance with Section 531.012, the executive
18 commissioner by rule shall establish the Autism Medicaid Services
19 Program Advisory Committee to evaluate and advise the commission on
20 issues and concerns relating to the provision of applied behavior
21 analysis services under the program.

22 (c) The executive commissioner shall appoint to the
23 advisory committee members with expertise in the provision of
24 applied behavior analysis services, including:

- 1 (1) commission staff;
2 (2) commission contractors;
3 (3) Medicaid managed care organization
4 representatives;
5 (4) applied behavioral analysis providers
6 participating in the program that represent:
7 (A) various geographic areas of this state; and
8 (B) a variety of operational sizes;
9 (5) relevant advocates and stakeholders;
10 (6) recipients of applied behavior analysis services
11 or the parents or legal guardians of those recipients; and
12 (7) any other persons the executive commissioner
13 determines appropriate.
14 (d) The executive commissioner shall select from among the
15 advisory committee members a presiding officer.
16 (e) Not later than November 1 of each year, the advisory
17 committee shall prepare and submit to the executive commissioner,
18 the commission's executive council established under Section
19 531.0051, the governor, and the legislature an electronic written
20 report that includes:
21 (1) the total program budget for the preceding fiscal
22 year;
23 (2) the total amount of money spent to provide
24 reimbursements under the program for the provision of applied
25 behavior analysis services during:
26 (A) the preceding fiscal year under the program
27 to provide reimbursements for the provision of applied behavior

1 analysis services; and

2 (B) the period beginning on the date the program
3 was established to the 30th day preceding the date the report is
4 prepared;

5 (3) the total number of recipients who received
6 applied behavior analysis services under the program during:

7 (A) the preceding fiscal year; and

8 (B) the period beginning on the date the program
9 was established to the 30th day preceding the date the report is
10 prepared;

11 (4) the total number of projected recipients who will
12 receive applied behavior analysis services under the program for
13 the current fiscal year;

14 (5) the minutes of each advisory committee meeting
15 conducted during the preceding fiscal year, including any written
16 public comments and transcribed oral public comments; and

17 (6) an analysis of barriers to:

18 (A) the program's efficiency;

19 (B) access to applied behavior analysis services
20 under the program; and

21 (C) program network adequacy, including
22 recommendations for improving program efficiency.

23 (f) Beginning December 1, 2028, the commission shall:

24 (1) annually evaluate whether there is a continuing
25 need for the advisory committee; and

26 (2) make a recommendation regarding the committee's
27 continuation to the legislature and provide the recommendation with

1 the next annual report required under Subsection (e).

2 SECTION 2. (a) Not later than March 1, 2024, the executive
3 commissioner of the Health and Human Services Commission shall
4 appoint members to the Autism Medicaid Services Program Advisory
5 Committee as required by Section 531.0122, Government Code, as
6 added by this Act.

7 (b) Notwithstanding Section 531.0122, Government Code, as
8 added by this Act, the Autism Medicaid Services Program Advisory
9 Committee established under that section is not required to submit
10 the first report under that section until November 1, 2024.

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