

By: LaMantia

S.B. No. 2178

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Autism Medicaid Services Program Advisory Council to evaluate the provision of applied behavior analysis services under Medicaid.

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

SECTION 1. Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 111 to read as follows:

CHAPTER 111. AUTISM MEDICAID SERVICES PROGRAM ADVISORY COUNCIL

Sec. 111.001. DEFINITIONS. In this chapter:

(1) "Advisory council" means the Autism Medicaid Services Program Advisory Council established under this chapter.

(2) "Medicaid managed care organization" has the meaning assigned by Section 531.001, Government Code.

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

(4) "Recipient" has the meaning assigned by Section 533.001, Government Code.

Sec. 111.002. PURPOSE. The purpose of the Autism Medicaid Services Program Advisory Council is to:

(1) create a structured forum by convening relevant stakeholders to evaluate and advise the commission on issues and concerns relating to the provision of applied behavior analysis

1 services under the program;

2 (2) provide a structured forum through which
3 recipients receiving services under the program and the public are
4 able to provide input on the provision of applied behavior analysis
5 services under the program; and

6 (3) assess and provide reports on the program in
7 accordance with this chapter.

8 Sec. 111.003. ESTABLISHMENT OF ADVISORY COUNCIL. The
9 advisory council is established to advise the commission and
10 legislature on the provision of applied behavior analysis services
11 to recipients under the program, including the implementation and
12 efficacy of the program.

13 Sec. 111.004. MEMBERSHIP. (a) The advisory council is
14 composed of the following members appointed by the executive
15 commissioner:

16 (1) at least one commission employee who provides
17 technical support for the program;

18 (2) at least one Texas Medicaid and Healthcare
19 Partnership employee who provides technical support for the
20 program;

21 (3) at least three representatives of Medicaid managed
22 care organizations participating in the program;

23 (4) at least four representatives of licensed behavior
24 analysts participating in the program that represent a variety of
25 operational sizes;

26 (5) at least one representative of a licensed
27 diagnosing provider of applied behavior analysis participating in

1 the program;

2 (6) at least one representative of an advocacy and
3 support group for individuals that represents persons with autism
4 spectrum disorder in this state;

5 (7) at least one member who is a parent of a child who
6 has been diagnosed with autism spectrum disorder and qualifies for
7 participation in or receives services under the program; and

8 (8) any other person the executive commissioner
9 determines appropriate who has appropriate subject matter
10 expertise in autism, the program, or another relevant area.

11 (b) Each advisory council member must be a resident of this
12 state.

13 (c) The executive commissioner shall select from among the
14 advisory council members a presiding officer. In the event of a tie
15 on a matter voted on by the advisory council, the presiding officer
16 shall cast the deciding vote.

17 (d) An advisory council member is not entitled to
18 compensation or reimbursement for expenses incurred in performing
19 advisory council duties.

20 Sec. 111.005. TERMS AND VACANCY. (a) Advisory council
21 members serve two-year terms.

22 (b) The executive commissioner shall fill a vacancy on the
23 advisory council in the same manner as the original appointment for
24 the remainder of the unexpired term.

25 (c) An advisory council member may be reappointed to serve
26 on the advisory council.

27 Sec. 111.006. MEETINGS. (a) The advisory council shall

1 meet at times and locations as determined by the presiding officer
2 or a majority of the advisory council members.

3 (b) Notwithstanding Chapter 551, Government Code, or any
4 other law, the advisory council may meet by telephone conference
5 call, videoconference, or another similar telecommunication
6 method. A meeting held by telephone conference call,
7 videoconference, or another similar telecommunication method is
8 subject to the requirements of Sections 551.125(c)-(f), Government
9 Code.

10 (c) A majority of the advisory council members constitutes a
11 quorum.

12 Sec. 111.007. ANNUAL REPORT. (a) Not later than November 1
13 of each year, the advisory council shall prepare and submit to the
14 executive commissioner, the commission's executive council
15 established under Section 531.0051, Government Code, the governor,
16 and the legislature an electronic written report that includes:

17 (1) the total program budget for the preceding fiscal
18 year;

19 (2) the total amount of money spent to provide
20 reimbursements under the program for the provision of applied
21 behavior analysis services during:

22 (A) the preceding fiscal year under the program
23 to provide reimbursements for the provision of applied behavior
24 analysis services; and

25 (B) the period beginning on the date the program
26 was established to the 30th day preceding the date the report is
27 prepared;

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

3 (A) the preceding fiscal year; and

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

7 (4) the total number of projected recipients who will
8 receive applied behavior analysis services under the program for
9 the current fiscal year;

10 (5) the minutes of each advisory council meeting
11 conducted during the preceding fiscal year, including any written
12 public comments and transcribed oral public comments; and

13 (6) an analysis of barriers to:

14 (A) the program's efficiency;

15 (B) access to applied behavior analysis services
16 under the program; and

17 (C) program network adequacy, including
18 recommendations for improving program efficiency.

19 (b) Notwithstanding any other law, this section, including
20 any action taken under this section to develop or disseminate
21 information or materials, does not create a civil or administrative
22 cause of action or a civil or criminal liability and does not create
23 a standard of care, obligation, or duty that provides the basis for
24 a cause of action.

25 Sec. 111.008. APPLICABILITY OF OTHER LAW. Chapter 2110,
26 Government Code, does not apply to the advisory council.

27 Sec. 111.009. SUNSET PROVISION. The advisory council is

1 subject to Chapter 325, Government Code (Texas Sunset Act). Unless
2 continued in existence as provided by that chapter, the advisory
3 council is abolished and this chapter expires September 1, 2029.

4 SECTION 2. (a) Not later than March 1, 2024, the executive
5 commissioner of the Health and Human Services Commission shall
6 appoint members to the Autism Medicaid Services Program Advisory
7 Council as required by Chapter 111, Health and Safety Code, as added
8 by this Act.

9 (b) Notwithstanding Chapter 111, Health and Safety Code, as
10 added by this Act, the Autism Medicaid Services Program Advisory
11 Council established under that chapter is not required to submit
12 the first report under that chapter until November 1, 2024.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2023.