

BILL ANALYSIS

S.B. 245
By: Zaffirini
Human Services
Committee Report (Amended)

BACKGROUND AND PURPOSE

Currently, respiratory care therapists cannot bill Medicaid. Over the past 50 years, respiratory care has moved from being primarily a hospital-based service to one that is provided in a variety of care alternative sites, especially in the home. Senate Bill 245 requires the Health and Human Services Commission to require that respiratory therapy services furnished as part of a plan of care be provided by a respiratory therapist authorized to practice respiratory care.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Health and Human Services Commission or an agency operating part of the medical assistance program, as appropriate in SECTION 1 (Section 32.059, Human Resources Code) and SECTION 2 of this bill.

ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 32, Human Resources Code, by adding Section 32.059, as follows: Sec. 32.059. USE OF RESPIRATORY THERAPISTS FOR RESPIRATORY THERAPY SERVICES. Requires the Health and Human Services Commission (HHSC) or an agency operating part of the medical assistance program, as appropriate by rule to require that respiratory therapy services furnished as part of a plan of care under this chapter be provided by a respiratory therapist authorized to practice respiratory care under Chapter 604, Occupations Code, when certain criteria are met.

SECTION 2. Requires HHSC or a relevant agency operating part of the medical assistance program to adopt rules required by Section 32.059, Human Resources Code, as added by this Act, not later than December 1, 2003.

SECTION 3. Authorizes a state agency to delay implementing a provision of this Act until a requested federal waiver or authorization necessary to implement that provision is granted.

SECTION 4. Repealer: Section 32.027(c), Human Resources Code (Selection of Provider of Medical Assistance)

SECTION 5. Effective date: September 1, 2003.

EFFECTIVE DATE

September 1, 2003.

EXPLANATION OF AMENDMENTS

Committee amendment number 1 amends Senate Bill 245 by inserting “for ventilator dependent persons” after the word “services.”

