

By: Raymond

H.B. No. 440

A BILL TO BE ENTITLED

AN ACT

relating to the provision of prescribed medications and community and personal care services under the medical assistance program.

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

SECTION 1. Section 32.024, Human Resources Code, is amended by adding Subsection (z) to read as follows:

(z) The department shall provide coverage for three prescribed medications each month for a recipient of services under the frail elderly program.

SECTION 2. Section 32.026, Human Resources Code, is amended by adding Subsection (g) to read as follows:

(g) The department by rule shall provide for the determination and certification of presumptive eligibility for a person who appears to meet the financial and other program eligibility criteria for the receipt of services under the primary home care program or community-based alternatives program.

SECTION 3. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.059 to read as follows:

Sec. 32.059. DELEGATION BY REGISTERED NURSE UNDER PRIMARY HOME CARE PROGRAM. The department, in its rules governing the primary home care program, shall permit a registered nurse to delegate to an unlicensed attendant the performance of appropriate nursing tasks under the nurse's supervision in accordance with rules adopted by the Board of Nurse Examiners.

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

7           SECTION 5. This Act takes effect September 1, 2003, and  
8 applies to a person receiving medical assistance on or after that  
9 date regardless of the date on which the person began receiving that  
10 medical assistance.