

By: Coleman

H.B. No. 1559

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a demonstration project to provide certain services and  
3 medications through the medical assistance program to persons with  
4 HIV infection or AIDS.

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 32.057 to read as follows:

8 Sec. 32.057. DEMONSTRATION PROJECT FOR PERSONS WITH HIV  
9 INFECTION OR AIDS. (a) In this section, "AIDS" and "HIV" have the  
10 meanings assigned by Section 81.101, Health and Safety Code.

11 (b) The department shall establish a demonstration project  
12 to provide a person with HIV infection or AIDS with the following  
13 services and medications through the medical assistance program:

14 (1) services provided by a physician, physician  
15 assistant, advanced practice nurse, or other health care provider  
16 specified by the department;

17 (2) medications not included in the formulary for the  
18 HIV medication program operated by the department, but determined  
19 to be necessary for treatment of a condition related to HIV  
20 infection or AIDS;

21 (3) vaccinations for hepatitis B and pneumonia;

22 (4) pap smears, colposcopy, and other diagnostic  
23 procedures necessary to monitor gynecologic complications  
24 resulting from HIV infection or AIDS in women;

1           (5) hospitalization;

2           (6) laboratory and other diagnostic services,  
3 including periodic testing for CD4+ T-cell counts, viral load  
4 determination, and phenotype or genotype testing if clinically  
5 indicated; and

6           (7) other laboratory and radiological testing  
7 necessary to monitor potential toxicity of therapy.

8           (c) The department shall establish the demonstration  
9 project in at least two counties with a high prevalence of HIV  
10 infection and AIDS. The department shall ensure that the  
11 demonstration project is financed using funds made available by the  
12 counties in which the department establishes the demonstration  
13 project.

14           (d) A person is eligible to participate in the demonstration  
15 project if the person:

16           (1) has been diagnosed with HIV infection or AIDS by a  
17 physician;

18           (2) is under 65 years of age;

19           (3) has a net family income that is at or below 200  
20 percent of the federal poverty level;

21           (4) is a resident of a county included in the project  
22 or, subject to guidelines established by the department, is  
23 receiving medical care for HIV infection or AIDS through a facility  
24 located in a county included in the project;

25           (5) is not covered by a health benefits plan offering  
26 adequate coverage, as determined by the department; and

27           (6) is not otherwise eligible for medical assistance

1 at the time the person's eligibility for participation in the  
2 demonstration project is determined.

3 (e) Participation in the demonstration project does not  
4 entitle a participant to other services provided under the medical  
5 assistance program.

6 (f) The department shall establish an appropriate  
7 enrollment limit for the demonstration project and may not allow  
8 participation in the project to exceed that limit. Once the limit  
9 is reached, the department:

10 (1) shall establish a waiting list for enrollment in  
11 the demonstration project; and

12 (2) may allow eligible persons on the waiting list to  
13 enroll solely in the HIV medication program operated by the  
14 department.

15 (g) The department shall ensure that a participant in the  
16 demonstration project is also enrolled in the HIV medication  
17 program operated by the department.

18 (h) Notwithstanding any other provision of this section,  
19 the department shall provide each participant in the project with a  
20 six-month period of continuous eligibility for participation in the  
21 project.

22 (i) Not later than December 1 of each even-numbered year,  
23 the department shall submit a biennial report to the legislature  
24 regarding the department's progress in establishing and operating  
25 the demonstration project.

26 (j) Not later than December 1, 2008, the department shall  
27 evaluate the cost-effectiveness of the demonstration project,

1 including whether the services and medications provided offset  
2 future higher costs for project participants. If the results of the  
3 evaluation indicate that the project is cost-effective, the  
4 department shall incorporate a request for funding for the  
5 expansion of the project into additional counties or throughout the  
6 state, as appropriate, in the department's budget request for the  
7 next state fiscal biennium.

8 (k) This section expires September 1, 2009.

9 SECTION 2. The state agency responsible for implementing  
10 the demonstration project required by Section 32.057, Human  
11 Resources Code, as added by this Act, shall request and actively  
12 pursue any necessary waivers or authorizations from the Health Care  
13 Financing Administration or other appropriate entities to enable  
14 the agency to implement the demonstration project not later than  
15 September 1, 2004. The agency may delay implementing the  
16 demonstration project until the necessary waivers or  
17 authorizations are granted.

18 SECTION 3. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2003.