

By: Deshotel

H.B. No. 2735

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the provision of medications and medical supplies under
3 the medical assistance program.

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

5 SECTION 1. Chapter 32, Human Resources Code, is amended by
6 adding Section 32.054 to read as follows:

7 Sec. 32.054. MEDICATIONS AND MEDICAL SUPPLIES. The
8 department shall adopt rules establishing procedures for: (1) the
9 purchase of medically necessary, over-the-counter medications and
10 medical supplies that were previously being provided via
11 prescription; and (2) the distribution of these over-the-counter
12 medications and medical supplies in ways that are more
13 cost-effective than obtaining these same over-the-counter
14 medications and medical supplies through the current
15 prescription-based model.

16 SECTION 2. WAIVER. If before implementing Section 1 of this
17 Act, the Health and Human Services Commission determines that a
18 waiver or authorization from a federal agency is necessary for
19 implementation, the commission shall request the waiver or
20 authorization and may delay implementing this Act until the waiver
21 or authorization is granted.

22 SECTION 3. REPORTING REQUIREMENTS. The Health and Human
23 Services Commission shall prepare a report for delivery by Jan. 1,
24 2004 to the committees of the senate and house of representatives

1 with jurisdiction over the Medicaid program detailing the status of
2 cost-savings generated by purchasing improvements regarding
3 over-the-counter medications and medical supplies and
4 recommendations for further improvements. This report shall be
5 updated for distribution to the same recipients prior to January 1,
6 2005.

7 SECTION 4. EFFECTIVE DATE. This Act takes effect
8 immediately if it receives a vote of two-thirds of all the members
9 elected to each house, as provided by Section 39, Article III, Texas
10 Constitution. If this Act does not receive the vote necessary for
11 immediate effect, this Act takes effect September 1, 2003.