

By: Zaffirini

S.B. No. 245

A BILL TO BE ENTITLED

AN ACT

relating to the provision of respiratory therapy services under the medical assistance program.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.059 to read as follows:

Sec. 32.059. USE OF RESPIRATORY THERAPISTS FOR RESPIRATORY THERAPY SERVICES. The department by rule shall 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:

(1) respiratory therapy is determined by the recipient's treating physician to be the most effective method of treatment; and

(2) the use of a respiratory therapist is practicable and cost-neutral or cost-effective.

SECTION 2. The Health and Human Services Commission or a relevant agency operating part of the medical assistance program shall adopt rules required by Section 32.059, Human Resources Code, as added by this Act, not later than December 1, 2003.

SECTION 3. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision,

1 the agency affected by the provision shall request the waiver or
2 authorization and may delay implementing that provision until the
3 waiver or authorization is granted.

4 SECTION 4. Subsection (c), Section 32.027, Human Resources
5 Code, is repealed.

6 SECTION 5. This Act takes effect September 1, 2003.