

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 for ventilator-dependent persons 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5 Code, is repealed.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.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 245 passed the Senate on
May 1, 2003, by the following vote: Yeas 31, Nays 0; and that the
Senate concurred in House amendment on May 29, 2003, by a viva-voce
vote.

Secretary of the Senate

I hereby certify that S.B. No. 245 passed the House, with
amendment, on May 28, 2003, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor