

1-1 By: Zaffirini S.B. No. 245  
1-2 (In the Senate - Filed January 22, 2003; February 5, 2003,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; April 23, 2003, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-6 April 23, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 245 By: Zaffirini

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the provision of respiratory therapy services under the  
1-11 medical assistance program.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,  
1-14 is amended by adding Section 32.059 to read as follows:

1-15 Sec. 32.059. USE OF RESPIRATORY THERAPISTS FOR RESPIRATORY  
1-16 THERAPY SERVICES. The department by rule shall require that  
1-17 respiratory therapy services furnished as part of a plan of care  
1-18 under this chapter be provided by a respiratory therapist  
1-19 authorized to practice respiratory care under Chapter 604,  
1-20 Occupations Code, when:

1-21 (1) respiratory therapy is determined by the  
1-22 recipient's treating physician to be the most effective method of  
1-23 treatment; and

1-24 (2) the use of a respiratory therapist is practicable  
1-25 and cost-neutral or cost-effective.

1-26 SECTION 2. The Health and Human Services Commission or a  
1-27 relevant agency operating part of the medical assistance program  
1-28 shall adopt rules required by Section 32.059, Human Resources Code,  
1-29 as added by this Act, not later than December 1, 2003.

1-30 SECTION 3. If before implementing any provision of this Act  
1-31 a state agency determines that a waiver or authorization from a  
1-32 federal agency is necessary for implementation of that provision,  
1-33 the agency affected by the provision shall request the waiver or  
1-34 authorization and may delay implementing that provision until the  
1-35 waiver or authorization is granted.

1-36 SECTION 4. Subsection (c), Section 32.027, Human Resources  
1-37 Code, is repealed.

1-38 SECTION 5. This Act takes effect September 1, 2003.

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