

BILL ANALYSIS

Senate Research Center
79R11663 RMB-F

H.B. 1912
By: Hupp (Nelson)
Health & Human Services
5/2/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Several sessions ago, the Sunset Advisory Commission reviewed the Texas Rehabilitation Commission (TRC) and the Texas Commission on the Blind (TCB). From that Sunset review, a need was recognized to establish rates for medical services using a cost-based methodology. Subsequent legislation laid out and defined the rate-setting provisions for TRC and TCB. Disability Determinations Services was part of TRC and was also subject to such provisions.

H.B. 2292, 78th Legislature, Regular Session, 2003, combined TRC and TCB under the newly-created Department of Assistive and Rehabilitative Services (DARS), where the former agencies are now the Division for Rehabilitative Services and the Division for Blind Services, respectively. Current law provides multiple rate setting processes within DARS for these divisions.

H.B. 1912 combines rate setting processes into one provision of law to provide greater consistency across DARS divisions and to simplify the rate methodology processes.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 117.074, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 117, Human Resources Code, by adding Section 117.074, as follows:

Sec. 117.074. RATES FOR MEDICAL SERVICES. (a) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) by rule to adopt standards governing the determination of rates paid for medical services provided under this chapter. Requires the rules to provide for an annual reevaluation of the rates.

(b) Requires the executive commissioner to establish a schedule of rates based on the standards adopted under Subsection (a). Requires the executive commissioner, in adopting the rate schedule, to compare the proposed rate schedule to other cost-based and resource-based rates for medical services, including rates paid under the Medicaid and Medicare programs and, for any rate adopted that exceeds the Medicaid or Medicare rate for the same or a similar service, document the reasons why the adopted rate reflects consideration of the best value, provider availability, and consumer choice.

(c) Requires the executive commissioner to provide notice to interested persons and allow those persons to present comments before adopting the standards and schedule of rates under Subsections (a) and (b).

SECTION 2. Repealer: Sections 91.029 (Rates for Medical Services), 111.0551 (Provision of Medical Services), and 111.0552 (Rates for Medical Services), Human Resources Code.

SECTION 3. Effective date: September 1, 2005.