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H.B. No. 1252

A BILL TO BE ENTITLED

AN ACT

1
2 relating to providing services for persons with chronic kidney
3 disease under the medical assistance program.

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

5 SECTION 1. Section 533.009(a), Government Code, is amended
6 to read as follows:

7 (a) The commission shall ensure that managed care
8 organizations under contract with the commission to provide health
9 care services to recipients develop and implement special disease
10 management programs to manage a disease or other chronic health
11 conditions, such as heart disease, chronic kidney disease and its
12 medical complications, respiratory illness, including asthma,
13 diabetes, end-stage renal disease, HIV infection, or AIDS, and with
14 respect to which the commission identifies populations for which
15 disease management would be cost-effective.

16 SECTION 2. Section 32.059(a), Human Resources Code, as
17 added by Chapter 208, Acts of the 78th Legislature, Regular
18 Session, 2003, is amended to read as follows:

19 (a) The department shall request contract proposals from
20 providers of disease management programs to provide program
21 services to recipients of medical assistance who:

22 (1) have a disease or other chronic health condition,
23 such as heart disease, hemophilia, chronic kidney disease and its
24 medical complications, diabetes, respiratory illness, end-stage

1 renal disease, HIV infection, or AIDS, that the department
2 determines is a disease or condition that needs disease management;
3 and

4 (2) are not eligible to receive those services under a
5 Medicaid managed care plan.

6 SECTION 3. Subchapter B, Chapter 32, Human Resources Code,
7 is amended by adding Section 32.069 to read as follows:

8 Sec. 32.069. CHRONIC KIDNEY DISEASE MANAGEMENT INITIATIVE.

9 (a) A provider of disease management programs under Section
10 32.059, as added by Chapter 208, Acts of the 78th Legislature,
11 Regular Session, 2003, shall develop a program to provide screening
12 for and diagnosis and treatment of chronic kidney disease and its
13 medical complications under the medical assistance program. The
14 program must use generally recognized clinical practice guidelines
15 and laboratory assessments that identify chronic kidney disease on
16 the basis of impaired kidney function or the presence of kidney
17 damage.

18 (b) Consistent with a medical direction or authorization as
19 provided by Subsection (c), a licensed dietitian acting within the
20 scope of the person's license in a licensed facility that provides
21 screening, diagnosis, or treatment services to a patient as
22 described by Subsection (a), may:

23 (1) accept, transcribe into the patient's medical
24 record, or transmit verbal or electronically transmitted orders,
25 including medication orders, relating to the implementation or
26 provision of medical nutrition therapy and related medical
27 protocols for the patient or a group of patients from a physician to

1 another authorized health care professional; or

2 (2) order medical laboratory tests relating to the
3 implementation or provision of medical nutrition therapy and
4 related medical protocols for the patient or a group of patients.

5 (c) A medical direction or authorization required by
6 Subsection (b) must be provided through a physician's order,
7 standing medical order, standing delegation order, or medical
8 protocol issued in accordance with Subchapter A, Chapter 157,
9 Occupations Code, and rules adopted by the Texas State Board of
10 Medical Examiners under that subchapter.

11 SECTION 4. To provide program services to persons with
12 chronic kidney disease under the medical assistance program, the
13 Health and Human Services Commission may modify an existing
14 contract between the commission and a provider of a disease
15 management program under the medical assistance program.

16 SECTION 5. If before implementing any provision of this Act
17 a state agency determines that a waiver or authorization from a
18 federal agency is necessary for implementation of that provision,
19 the agency affected by the provision shall request the waiver or
20 authorization and may delay implementing that provision until the
21 waiver or authorization is granted.

22 SECTION 6. This Act takes effect September 1, 2005.