

By: Guillen

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, including [~~such as~~] heart disease, respiratory  
12 illness, including asthma, diabetes, chronic kidney disease and its  
13 medical complications, end-stage renal disease, HIV infection, and  
14 [~~or~~] AIDS, [~~and~~] with respect to which the commission identifies  
15 populations for which disease management would be cost-effective.

16 SECTION 2. Section 32.059, Human Resources Code, as added  
17 by Chapter 208, Acts of the 78th Legislature, Regular Session,  
18 2003, is amended by amending Subsection (a) and adding Subsection  
19 (b-1) to read as follows:

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

23 (1) have a disease or other chronic health condition  
24 other than chronic kidney disease, such as heart disease,

1 hemophilia, diabetes, respiratory illness, end-stage renal  
2 disease, HIV infection, or AIDS, that the department determines is  
3 a disease or condition that needs disease management; and

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

6 (b-1) Notwithstanding Subsection (d), the department shall  
7 contract with providers of disease management programs to provide  
8 program services to recipients of medical assistance who have  
9 chronic kidney disease and who are not eligible to receive those  
10 services under a Medicaid managed care plan.

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

13 Sec. 32.069. CHRONIC KIDNEY DISEASE MANAGEMENT INITIATIVE.

14 (a) The department shall develop a program to provide screening for  
15 and diagnosis and treatment of chronic kidney disease and its  
16 medical complications under the medical assistance program. The  
17 program must:

18 (1) identify recipients of medical assistance who have  
19 been diagnosed with diabetes or hypertension or who have a family  
20 history of kidney disease;

21 (2) evaluate those recipients for kidney disease using  
22 diagnostic criteria described by Subsection (b); and

23 (3) classify recipients who are diagnosed under the  
24 program as having kidney disease as chronic kidney disease  
25 patients.

26 (b) In evaluating a recipient of medical assistance for  
27 kidney disease as required by Subsection (a)(2), a medical

1 assistance provider must use generally recognized clinical  
2 practice guidelines and laboratory assessments that identify  
3 chronic kidney disease on the basis of impaired kidney function or  
4 the presence of kidney damage.

5 (c) The department shall provide diagnostic tests and  
6 health care services under the medical assistance program for a  
7 recipient who is classified as a chronic kidney disease patient if  
8 the recipient's physician certifies that the tests or services  
9 will:

10 (1) control factors that:

11 (A) increase the recipient's risk for impaired  
12 kidney function or bone or cardiovascular disease associated with  
13 chronic kidney disease; or

14 (B) speed the progression of kidney disease  
15 toward the need for kidney replacement therapy; or

16 (2) improve the recipient's nutrition or correct  
17 anemia related to the chronic kidney disease.

18 SECTION 4. To provide disease management program services  
19 to persons with chronic kidney disease under the medical assistance  
20 program as required by Section 32.059(b-1), Human Resources Code,  
21 as added by this Act, the Health and Human Services Commission may:

22 (1) if possible, modify an existing contract between  
23 the commission and a provider of a disease management program under  
24 the medical assistance program; or

25 (2) enter into an additional contract with a provider  
26 described by Subdivision (1) of this section.

27 SECTION 5. If before implementing any provision of this Act

1 a state agency determines that a waiver or authorization from a  
2 federal agency is necessary for implementation of that provision,  
3 the agency affected by the provision shall request the waiver or  
4 authorization and may delay implementing that provision until the  
5 waiver or authorization is granted.

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