

By: Guillen

H.B. No. 2606

A BILL TO BE ENTITLED

AN ACT

1
2 relating to expanding mental health services provided under the
3 medical assistance and children's health insurance programs and
4 other health and human services programs.

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

6 SECTION 1. Section 531.073, Government Code, is amended by
7 adding Subsection (g) to read as follows:

8 (g) The commission shall ensure that, notwithstanding any
9 applicable prior authorization requirement and regardless of cost,
10 a person who is an enrollee in the child health plan program or who
11 is a recipient under the Medicaid vendor drug program or any other
12 state program that requires prior authorization under this section
13 is authorized to receive a psychotropic medication prescribed for
14 the person to treat a mental illness or condition if the medication
15 is the most effective medication available to treat the illness or
16 condition.

17 SECTION 2. Section 62.151(b), Health and Safety Code, is
18 amended to read as follows:

19 (b) In developing the covered benefits, the commission
20 shall consider the health care needs of healthy children and
21 children with special health care needs. The child health plan must
22 provide at least the mental health services that were covered
23 benefits under the child health plan during the state fiscal
24 biennium ending August 31, 2003.

1 SECTION 3. The heading to Section 62.154, Health and Safety
2 Code, is amended to read as follows:

3 Sec. 62.154. [~~WAITING PERIOD,~~] CROWD OUT.

4 SECTION 4. Section 62.154(a), Health and Safety Code, is
5 amended to read as follows:

6 (a) [~~To the extent permitted under Title XXI of the Social~~
7 ~~Security Act (42 U.S.C. Section 1397aa et seq.), as amended, and any~~
8 ~~other applicable law or regulations, the child health plan must~~
9 ~~include a waiting period.] The child health plan may include
10 copayments and other provisions intended to discourage:~~

11 (1) employers and other persons from electing to
12 discontinue offering coverage for children under employee or other
13 group health benefit plans; and

14 (2) individuals with access to adequate health benefit
15 plan coverage, other than coverage under the child health plan,
16 from electing not to obtain or to discontinue that coverage for a
17 child.

18 SECTION 5. Section 531.001(f), Health and Safety Code, is
19 amended to read as follows:

20 (f) It is the public policy of this state to offer services
21 first to those persons who are most in need. Therefore, funds
22 appropriated by the legislature for mental health and mental
23 retardation services may be spent only to provide services to the
24 priority populations identified in the department's long-range
25 plan. The department shall use criteria for identifying priority
26 populations that are based on urgency of a person's need for
27 services. The criteria may not be based solely on a person's

1 diagnosis.

2 SECTION 6. Section 32.024, Human Resources Code, is amended
3 by adding Subsection (bb) to read as follows:

4 (bb) The department shall ensure that optional mental
5 health services for adult recipients under the medical assistance
6 program are funded and provided at or above the level for which
7 those services were funded and provided during the state fiscal
8 biennium ending August 31, 2003.

9 SECTION 7. Section 32.027, Human Resources Code, is amended
10 by adding Subsection (e-1) to read as follows:

11 (e-1) The department shall assure that a recipient of
12 medical assistance under this chapter may select a licensed
13 psychologist or a licensed marriage and family therapist, as
14 defined by Section 502.002, Occupations Code, to perform any health
15 care service or procedure covered under the medical assistance
16 program if the selected psychologist or marriage and family
17 therapist is authorized by law to perform the service or procedure.
18 This subsection shall be liberally construed.

19 SECTION 8. It is the intent of the legislature that, for the
20 state fiscal biennium beginning September 1, 2005, the legislature
21 appropriate in the General Appropriations Act:

22 (1) for the first year of that biennium, an amount to
23 the Health and Human Services Commission and the health and human
24 services agencies for providing mental health services under health
25 and human services programs that is equal to the sum of:

26 (A) the amounts appropriated to the Health and
27 Human Services Commission and the health and human services

1 agencies for those services for the state fiscal year ending August
2 31, 2005, plus \$50 million; and

3 (B) five percent of the amount described by
4 Paragraph (A) of this subdivision; and

5 (2) for the second year of that biennium, an amount
6 equal to the sum of:

7 (A) the amount determined under Subdivision (1)
8 of this section; and

9 (B) five percent of the amount described by
10 Paragraph (A) of this subdivision.

11 SECTION 9. The following are repealed:

12 (1) Sections 62.154(b), (c), and (d), Health and
13 Safety Code; and

14 (2) Section 32.027(e), Human Resources Code, as
15 repealed by Chapter 198, Acts of the 78th Legislature, Regular
16 Session, 2003, and amended by Chapter 1251, Acts of the 78th
17 Legislature, Regular Session, 2003.

18 SECTION 10. If before implementing any provision of this
19 Act a state agency determines that a waiver or authorization from a
20 federal agency is necessary for implementation of that provision,
21 the agency affected by the provision shall request the waiver or
22 authorization and may delay implementing that provision until the
23 waiver or authorization is granted.

24 SECTION 11. This Act takes effect September 1, 2005.