

By: Nelson

S.B. No. 130

A BILL TO BE ENTITLED

AN ACT

relating to the provision of health and human services in this state.

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

SECTION 1. Section 531.073(b), Government Code, is amended to read as follows:

(b) The commission shall establish procedures for the prior authorization requirement under the Medicaid vendor drug program to ensure that the requirements of 42 U.S.C. Section 1396r-8(d)(5) and its subsequent amendments are met. Specifically, the procedures must ensure that:

(1) ~~[a prior authorization requirement is not imposed for a drug before the drug has been considered at a meeting of the Pharmaceutical and Therapeutics Committee established under Section 531.074,~~

~~(2)]~~ there will be a response to a request for prior authorization by telephone or other telecommunications device within 24 hours after receipt of a request for prior authorization; and

(2) ~~(3)]~~ a 72-hour supply of the drug prescribed will be provided in an emergency or if the commission does not provide a response within the time required by Subdivision (1) ~~(2)]~~.

SECTION 2. Section 531.1021, Government Code, is amended by amending Subsection (g) and adding Subsection (h) to read as

1 follows:

2 (g) Except as provided by Subsection (h), all [All]
3 information and materials subpoenaed or compiled by the office in
4 connection with an investigation are confidential and not subject
5 to disclosure under Chapter 552, and not subject to disclosure,
6 discovery, subpoena, or other means of legal compulsion for their
7 release to anyone other than the office or its employees or agents
8 involved in the investigation conducted by the office, except that
9 this information may be disclosed to the office of the attorney
10 general and law enforcement agencies.

11 (h) Subsection (g) does not apply to information and
12 materials related to a resolved case. This subsection does not
13 wave or affect the confidentiality of information and materials
14 that are otherwise confidential and excepted from disclosure under
15 Chapter 552.

16 SECTION 3. Subchapter A, Chapter 61, Health and Safety
17 Code, is amended by adding Section 61.012 to read as follows:

18 Sec. 61.012. INDIGENT HEALTH CARE ADVISORY COMMITTEE. (a)
19 The executive commissioner of the Health and Human Services
20 Commission shall establish an advisory committee to advise the
21 commission on rules and policies concerning indigent health care
22 services.

23 (b) The committee shall consist of 11 members, including
24 four consumer and seven other representatives, appointed by the
25 executive commissioner.

26 (c) Chapter 2110, Government Code, does not apply to the
27 size or composition of the advisory committee.

1 SECTION 4. Section 604.154(a), Occupations Code, is amended
2 to read as follows:

3 (a) The board shall establish for the renewal of a
4 certificate uniform continuing education requirements of not less
5 than six or more than 12 continuing education hours annually [~~for~~
6 ~~each renewal period~~].

7 SECTION 5. (a) The change in law made by this Act relating
8 to the renewal of a certificate to practice respiratory care
9 applies only to a certificate that is renewed on or after the
10 effective date of this Act. A certificate that is renewed before
11 the effective date of this Act is governed by the law in effect
12 immediately before the effective date of this Act, and the former
13 law is continued in effect for that purpose.

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

20 SECTION 6. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2005.