

By: Deuell

S.B. No. 1210

A BILL TO BE ENTITLED

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AN ACT

relating to the uniform fair hearing rules for Medicaid-funded services, including services requiring prior authorization.

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

SECTION 1. Section 531.024, Government Code, is amended to read as follows:

Sec. 531.024. PLANNING AND DELIVERY OF HEALTH AND HUMAN SERVICES. (a) The commissioner shall:

(1) facilitate and enforce coordinated planning and delivery of health and human services, including:

(A) compliance with the coordinated strategic plan;

(B) co-location of services;

(C) integrated intake; and

(D) coordinated referral and case management;

(2) develop with the Department of Information Resources automation standards for computer systems to enable health and human services agencies, including agencies operating at a local level, to share pertinent data;

(3) establish and enforce uniform regional boundaries for all health and human services agencies;

(4) carry out statewide health and human services needs surveys and forecasting;

(5) perform independent special-outcome evaluations

1 of health and human services programs and activities;

2 (6) at the request of a governmental entity identified
3 under Section 531.022(e), assist that entity in implementing a
4 coordinated plan that may include co-location of services,
5 integrated intake, and coordinated referral and case management and
6 is tailored to the needs and priorities of that entity; and

7 (7) promulgate uniform fair hearing rules for all
8 Medicaid-funded services.

9 (b) Rules promulgated under Subsection (a)(7), shall
10 require that all Medicaid applicants and beneficiaries seeking
11 services, including services that require prior authorization, are
12 afforded due process protections (including protections required
13 by 42 C.F.R. Part 431, Subpart E) including the following
14 requirements:

15 (A) the notice informing an applicant or
16 beneficiary of his or her right to a hearing must contain an
17 explanation of the circumstances under which services are continued
18 if a hearing is requested;

19 (B) the notice informing an applicant or
20 beneficiary of his or her right to a hearing must be mailed at least
21 10 days before a termination, suspension, or reduction of Medicaid
22 eligibility or services, except as permitted by 42 C.F.R. Sections
23 431.213 and 431.214; and

24 (C) if a hearing is requested before the
25 termination, suspension, or reduction of Medicaid eligibility or
26 services, action may not be taken until a decision is rendered after
27 the hearing unless:

1 (i) it is determined at the hearing that the
2 sole issue is one of federal or state law or policy, and the
3 beneficiary is promptly informed in writing that services are to be
4 terminated or reduced pending the hearing decision; or

5 (ii) the services sought to be continued
6 pending the hearing decision did not have prior authorization
7 during the preceding authorization period.