

By: Crownover

H.B. No. 3734

A BILL TO BE ENTITLED

AN ACT

relating to requiring cost sharing for certain high-cost Medicaid services.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0641 to read as follows:

Sec. 32.0641. COST SHARING FOR CERTAIN HIGH-COST MEDICAL SERVICES. If the department determines that it is feasible and cost-effective, and to the extent permitted under Title XIX, Social Security Act (42 U.S.C. Section 1396 et seq.) and any other applicable law or regulation, the executive commissioner of the Health and Human Services Commission may adopt cost-sharing provisions that require a recipient who chooses a high-cost medical service provided through a hospital emergency room to pay a copayment or premium payment for the high-cost medical service if:

(1) the hospital from which the recipient seeks service:

(A) performs an appropriate medical screening and determines that the recipient does not have a condition requiring emergency medical services;

(B) informs the recipient:

(i) that the recipient does not have a condition requiring emergency medical services;

(ii) that, if the hospital provides the

1 nonemergency service, the hospital may require payment of a
2 copayment, premium payment, or other cost-sharing payment by the
3 recipient in advance; and

4 (iii) of the name and address of a
5 nonemergency Medicaid provider who can provide the appropriate
6 medical service without imposing a cost-sharing payment; and

7 (C) offers to provide the recipient with a
8 referral to the nonemergency provider to facilitate scheduling of
9 the service; and

10 (2) after receiving the information and assistance
11 described by Subdivision (1) from the hospital, the recipient
12 chooses to obtain emergency medical services despite having access
13 to medically acceptable, lower-cost medical services.

14 SECTION 2. If before implementing any provision of this Act
15 a state agency determines that a waiver or authorization from a
16 federal agency is necessary for implementation of that provision,
17 the 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 3. This Act takes effect September 1, 2007.