

BILL ANALYSIS

H.B. 1487
By: Pitts
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under Texas Medicaid regulations, eligible diabetic patients may not receive glucose testing supplies until a diabetic equipment or supply provider receives a Title XIX DME/Medical Supplies Physician Order Form that is accurately completed and signed by a prescribing physician. Although supervised medical practitioners like physician assistants and nurse practitioners may treat such patients, the prescribing physician must complete and sign the form. Limiting these functions to a prescribing physician may result in unnecessary delays in a patient's receipt of diabetic supplies.

H.B. 1487 aligns the state's procedural and substantive diabetic and supply ordering requirements under Medicaid with those prescribed by the Medicare program in order to improve the timely access to glucose testing supplies. The bill reduces the administrative burdens on physicians while advancing access to supplies needed by a diabetic patient for both short- and long-term management of the patient's disease.

H.B. 1487 allows a diabetic patient to receive the patient's testing supplies when a provider receives an order given by an individual authorized by the statute.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

H.B. 1487 amends the Government Code to require the Health and Human Services Commission to review forms and requirements under the Medicaid program regarding written orders for diabetic equipment and supplies to identify variations between permissible ordering procedures under that program and ordering procedures available to providers under the Medicare program. The bill requires the commission, after conducting a review and to the extent practicable, to modify rules and procedures applicable to written orders for diabetic equipment and supplies under Medicaid to provide for an ordering system that is comparable to the ordering system under Medicare. The bill requires the ordering system to permit a physician, a physician assistant, a nurse practitioner, a clinical nurse specialist, a provider of diabetic equipment or supplies, or any staff member or employee designated by one of those persons to complete forms by hand or to enter by electronic format medical information or supply orders into any form as necessary to provide the information required to dispense diabetic equipment or supplies. The bill authorizes a provider of diabetic equipment and supplies to bill and collect payment for the provider's services if the provider has a copy of the required form that is signed by a medical practitioner licensed in Texas to treat diabetic patients. The bill prohibits additional documentation from being required.

H.B. 1487 requires a state agency that is affected by a provision of the bill to request a federal waiver or authorization if the agency determines that a waiver or authorization is necessary for

the implementation of the provision, and it authorizes the agency to delay implementation until the federal waiver or authorization is obtained.

EFFECTIVE DATE

September 1, 2009.