

By: Anchia, Naishtat, Gonzales

H.B. No. 279

A BILL TO BE ENTITLED

AN ACT

relating to reimbursement for medical assistance provided by a school-based health center to certain recipients.

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

SECTION 1. Section 32.028, Human Resources Code, is amended by adding Subsections (o) and (p) to read as follows:

(o) Notwithstanding any other law, the executive commissioner of the Health and Human Services Commission by rule shall ensure that a school-based health center established under Subchapter B, Chapter 38, Education Code, is reimbursed under the medical assistance program for the provision to a recipient of medical assistance of a medical assistance service or procedure, regardless of whether the recipient:

(1) is required to have a primary care physician or other gatekeeper or health care coordinator; or

(2) has obtained a referral for the service or procedure from that physician, gatekeeper, or coordinator that is otherwise required.

(p) Subsection (o) may not be construed to expand the scope of services and procedures provided under the medical assistance program.

SECTION 2. Except as provided by Section 3(b) of this Act, Section 32.028(o), Human Resources Code, as added by this Act, applies to a reimbursement for a medical assistance health care

1 service or procedure that is provided on or after the effective date
2 of this Act by a school-based health center.

3 SECTION 3. (a) The Health and Human Services Commission
4 shall, in a contract between the commission and a managed care
5 organization under Chapter 533, Government Code, that is entered
6 into or renewed on or after the effective date of this Act, require
7 that the managed care organization comply with rules adopted in
8 accordance with Section 32.028(o), Human Resources Code, as added
9 by this Act.

10 (b) The Health and Human Services Commission shall seek to
11 amend contracts entered into with managed care organizations under
12 Chapter 533, Government Code, before the effective date of this Act
13 to require those managed care organizations to comply with rules
14 adopted in accordance with Section 32.028(o), Human Resources Code,
15 as added by this Act. To the extent of a conflict between that
16 section and a provision of a contract with a managed care
17 organization entered into before the effective date of this Act,
18 the contract provision prevails.

19 SECTION 4. If before implementing any provision of this Act
20 a state agency determines that a waiver or authorization from a
21 federal agency is necessary for implementation of that provision,
22 the agency affected by the provision shall request the waiver or
23 authorization and may delay implementing that provision until the
24 waiver or authorization is granted.

25 SECTION 5. This Act takes effect September 1, 2009.