

AN ACT

relating to the alignment of certain Medicaid procedures regarding written orders for diabetic equipment and supplies with comparable Medicare written order procedures.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.099 to read as follows:

Sec. 531.099. ALIGNMENT OF MEDICAID DIABETIC EQUIPMENT AND SUPPLIES WRITTEN ORDER PROCEDURES WITH MEDICARE DIABETIC EQUIPMENT AND SUPPLIES WRITTEN ORDER PROCEDURES. (a) The commission shall 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.

(b) To the extent practicable, and in conformity with Chapter 157, Occupations Code, and Chapter 483, Health and Safety Code, after conducting a review under Subsection (a) the commission shall modify only forms, rules, and procedures applicable to orders for diabetic equipment and supplies under the Medicaid program to provide for an ordering system that is comparable to the ordering system for diabetic equipment and supplies under the Medicare program. The ordering system must permit a diabetic equipment or supplies supplier to complete the forms by hand or to enter by

1 electronic format medical information or supply orders into any  
2 form as necessary to provide the information required to dispense  
3 diabetic equipment or supplies.

4 (c) A provider of diabetic equipment and supplies may bill  
5 and collect payment for the provider's services if the provider has  
6 a copy of the form that meets the requirements of Subsection (b) and  
7 that is signed by a medical practitioner licensed in this state to  
8 treat diabetic patients. Additional documentation may not be  
9 required.

10 SECTION 2. The Health and Human Services Commission may use  
11 state money to implement Section 531.099, Government Code, as added  
12 by this Act, only if the overall cost to the state of operating the  
13 Medicaid program does not increase as a result of aligning diabetic  
14 equipment and supplies written order procedures with Medicare  
15 diabetic equipment and supplies written order procedures as  
16 required by that section.

17 SECTION 3. If before implementing any provision of this Act  
18 a state agency determines that a waiver or authorization from a  
19 federal agency is necessary for implementation of that provision,  
20 the agency affected by the provision shall request the waiver or  
21 authorization and may delay implementing that provision until the  
22 waiver or authorization is granted.

23 SECTION 4. This Act takes effect September 1, 2009.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 1487 was passed by the House on May 1, 2009, by the following vote: Yeas 135, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1487 on May 23, 2009, by the following vote: Yeas 136, Nays 0, 1 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 1487 was passed by the Senate, with amendments, on May 21, 2009, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor