

By: Pitts

H.B. No. 1487

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the alignment of certain Medicaid procedures regarding
3 written orders for diabetic equipment and supplies with comparable
4 Medicare written order procedures.

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

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

8 Sec. 531.099. ALIGNMENT OF MEDICAID DIABETIC EQUIPMENT AND
9 SUPPLIES WRITTEN ORDER PROCEDURES WITH MEDICARE DIABETIC EQUIPMENT
10 AND SUPPLIES WRITTEN ORDER PROCEDURES. (a) The commission shall
11 review forms and requirements under the Medicaid program regarding
12 written orders for diabetic equipment and supplies to identify
13 variations between permissible ordering procedures under that
14 program and ordering procedures available to providers under the
15 Medicare program.

16 (b) To the extent practicable, and notwithstanding any
17 other state law, after conducting a review under Subsection (a) the
18 commission shall modify rules and procedures applicable to written
19 orders for diabetic equipment and supplies under the Medicaid
20 program to provide for an ordering system that is comparable to the
21 ordering system for diabetic equipment and supplies under the
22 Medicare program. The ordering system must permit the following
23 persons to complete forms by hand or to enter by electronic format
24 medical information or supply orders into any form as necessary to

1 provide the information required to dispense diabetic equipment or
2 supplies:

- 3 (1) a physician;
- 4 (2) a physician assistant;
- 5 (3) a nurse practitioner;
- 6 (4) a clinical nurse specialist;
- 7 (5) a provider of diabetic equipment or supplies; or
- 8 (6) any staff member or employee designated by a
9 person listed in Subdivisions (1)-(5).

10 (c) A provider of diabetic equipment and supplies may bill
11 and collect payment for the provider's services if the provider has
12 a copy of the form that meets the requirements of Subsection (b) and
13 that is signed by a medical practitioner licensed in this state to
14 treat diabetic patients. Additional documentation may not be
15 required.

16 SECTION 2. If before implementing any provision of this Act
17 a state agency determines that a waiver or authorization from a
18 federal agency is necessary for implementation of that provision,
19 the agency affected by the provision shall request the waiver or
20 authorization and may delay implementing that provision until the
21 waiver or authorization is granted.

22 SECTION 3. This Act takes effect September 1, 2009.