

By: Turner of Harris

H.B. No. 2163

A BILL TO BE ENTITLED

AN ACT

relating to the provision of certain medications to children younger than 11 years of age.

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

SECTION 1. Section 32.024, Human Resources Code, is amended by adding Subsection (hh) to read as follows:

(hh) Except as provided by this subsection and to the extent allowed by federal law, the department may not provide medical assistance through the vendor drug program for the provision of an antipsychotic or neuroleptic medication to a child who is younger than 11 years of age unless the department authorizes the provision of that medication in advance. In determining whether to authorize the medication, the department shall consider:

(1) the child's diagnosis;

(2) approval by the United States Food and Drug Administration for use by a person of the child's age;

(3) whether the child has successfully taken the medication in the past; and

(4) any other factor the department considers relevant.

SECTION 2. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or

1 authorization and may delay implementing that provision until the
2 waiver or authorization is granted.

3 SECTION 3. Not later than January 1, 2010, the Health and
4 Human Services Commission shall adopt protocols to implement the
5 changes in law made by this Act while ameliorating the effects those
6 changes in law may have on children receiving medication as a
7 covered benefit through the medical assistance program under
8 Chapter 32, Human Resources Code.

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