

By: Pitts

H.B. No. 4584

A BILL TO BE ENTITLED

AN ACT

relating to improving efficiency in state government and reducing state government spending.

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

ARTICLE 1. ESTABLISHMENT OF A PILL SPLITTING PROGRAM TO REDUCE HEALTH PLAN COSTS FOR CERTAIN PUBLIC EMPLOYEES

SECTION 1.01. Subchapter E, Chapter 1551, Insurance Code, is amended by adding Section 1551.225 to read as follows:

Sec. 1551.225. ESTABLISHMENT OF PILL SPLITTING PROGRAM.

(a) In this section:

(1) "Eligible prescription pill" means a prescription medication delivered in pill form and in a dosage that is appropriate for splitting.

(2) "Pill splitting" means dividing an eligible prescription pill to obtain a prescribed dose.

(b) The board of trustees by rule shall design and establish a voluntary pill splitting program. The pill splitting program must:

(1) include a copayment reduction incentive for individuals covered by the group benefits program who participate in the pill splitting program; and

(2) require an individual who participates in the pill splitting program to:

(A) obtain a prescription for an eligible

1 prescription pill authorizing pill splitting from the prescribing
2 physician before participating; and

3 (B) personally split the eligible prescription
4 pill.

5 (c) The board of trustees shall establish a list of eligible
6 prescription pills and shall periodically update the list.

7 (d) The board of trustees shall report at least annually to
8 the Legislative Budget Board and the governor on the design of the
9 pill splitting program, the medications included on the list of
10 eligible prescription pills, participation in the program, and cost
11 savings resulting from the program.

12 SECTION 1.02. Subchapter D, Chapter 1575, Insurance Code,
13 is amended by adding Section 1575.171 to read as follows:

14 Sec. 1575.171. ESTABLISHMENT OF PILL SPLITTING PROGRAM.

15 (a) In this section:

16 (1) "Eligible prescription pill" means a prescription
17 medication delivered in pill form and in a dosage that is
18 appropriate for splitting.

19 (2) "Pill splitting" means dividing an eligible
20 prescription pill to obtain a prescribed dose.

21 (b) The trustee by rule shall design and establish a
22 voluntary pill splitting program. The pill splitting program must:

23 (1) include a copayment reduction incentive for
24 individuals covered by the group program who participate in the
25 pill splitting program; and

26 (2) require an individual who participates in the pill
27 splitting program to:

1 (A) obtain a prescription for an eligible
2 prescription pill authorizing pill splitting from the prescribing
3 physician before participating; and

4 (B) personally split the eligible prescription
5 pill.

6 (c) The trustee shall establish a list of eligible
7 prescription pills and shall periodically update the list.

8 (d) The trustee shall report at least annually to the
9 Legislative Budget Board and the governor on the design of the pill
10 splitting program, medications included on the list of eligible
11 prescription pills, participation in the program, and cost savings
12 resulting from the program.

13 SECTION 1.03. Subchapter C, Chapter 1579, Insurance Code,
14 is amended by adding Section 1579.109 to read as follows:

15 Sec. 1579.109. ESTABLISHMENT OF PILL SPLITTING PROGRAM.

16 (a) In this section:

17 (1) "Eligible prescription pill" means a prescription
18 medication delivered in pill form and in a dosage that is
19 appropriate for splitting.

20 (2) "Pill splitting" means dividing an eligible
21 prescription pill to obtain a prescribed dose.

22 (b) The trustee by rule shall design and establish a
23 voluntary pill splitting program. The pill splitting program must:

24 (1) include a copayment reduction incentive for
25 individuals covered by a health coverage plan under this subchapter
26 who participate in the pill splitting program; and

27 (2) require an individual who participates in the pill

1 splitting program to:

2 (A) obtain a prescription for an eligible
3 prescription pill authorizing pill splitting from the prescribing
4 physician before participating; and

5 (B) personally split the eligible prescription
6 pill.

7 (c) The trustee shall establish a list of eligible
8 prescription pills and shall periodically update the list.

9 (d) The trustee shall report at least annually to the
10 Legislative Budget Board and the governor on the design of the pill
11 splitting program, medications included in the list of eligible
12 prescription pills, participation in the pill splitting program,
13 and cost savings resulting from the pill splitting program.

14 SECTION 1.04. Subchapter C, Chapter 1601, Insurance Code,
15 is amended by adding Section 1601.111 to read as follows:

16 Sec. 1601.111. ESTABLISHMENT OF PILL SPLITTING PROGRAM.

17 (a) In this section:

18 (1) "Eligible prescription pill" means a prescription
19 medication delivered in pill form and in a dosage that is
20 appropriate for splitting.

21 (2) "Pill splitting" means dividing an eligible
22 prescription pill to obtain a prescribed dose.

23 (b) Each system by rule shall design and establish a
24 voluntary pill splitting program. The pill splitting program must:

25 (1) include a copayment reduction incentive for
26 individuals covered by a health benefit plan provided under this
27 chapter who participate in the program; and

1 (2) require an individual who participates in the
2 program to:

3 (A) obtain a prescription for an eligible
4 prescription pill authorizing pill splitting from the prescribing
5 physician before participating; and

6 (B) personally split the eligible prescription
7 pill.

8 (c) Each system shall establish a list of eligible
9 prescription pills and shall periodically update the list.

10 (d) Each system shall report at least annually to the
11 Legislative Budget Board and the governor on the design of the pill
12 splitting program, medications included in the list of eligible
13 prescription pills, participation in the program, and cost savings
14 resulting from the program.

15 SECTION 1.05. The initial reports required by Sections
16 1551.225(d), 1575.171(d), 1579.109(d), and 1601.111(d), Insurance
17 Code, as added by this article, are due not later than December 1,
18 2010.

19 SECTION 1.06. The changes in law made by this article apply
20 only to health benefit plans provided under Chapters 1551, 1575,
21 1579, and 1601, Insurance Code, beginning with the 2009-2010 plan
22 year. A plan year before 2009-2010 is governed by the law as it
23 existed immediately before September 1, 2009, and that law is
24 continued in effect for that purpose.

25 SECTION 1.07. This article takes effect immediately if this
26 Act receives a vote of two-thirds of all the members elected to each
27 house, as provided by Section 39, Article III, Texas Constitution.

1 If this Act does not receive the vote necessary for immediate
2 effect, this article takes effect September 1, 2009.

3 ARTICLE 2. MEDICAID CONSOLIDATED WAIVER PROGRAM AND OTHER MEDICAID
4 LONG-TERM CARE WAIVER PROGRAMS

5 SECTION 2.01. Subchapter D, Chapter 161, Human Resources
6 Code, is amended by adding Section 161.077 to read as follows:

7 Sec. 161.077. LONG-TERM CARE MEDICAID WAIVER PROGRAMS. (a)
8 In this section, "Section 1915(c) waiver program" has the meaning
9 assigned by Section 531.001, Government Code.

10 (b) The department, in consultation with the commission,
11 shall streamline the administration of and delivery of services
12 through Section 1915(c) waiver programs. In implementing this
13 subsection, the department, subject to Subsection (c), may consider
14 implementing the following streamlining initiatives:

15 (1) reducing the number of forms used in administering
16 the programs;

17 (2) revising program provider manuals and training
18 curricula;

19 (3) consolidating service authorization systems;

20 (4) eliminating any physician signature requirements
21 the department considers unnecessary;

22 (5) standardizing individual service plan processes
23 across the programs; and

24 (6) any other initiatives that will increase
25 efficiencies in the programs.

26 (c) The department shall ensure that actions taken under
27 this section do not conflict with any requirements of the

1 commission under Section 531.0218, Government Code.

2 SECTION 2.02. Effective September 15, 2009, Section
3 531.02191, Government Code, is amended to read as follows:

4 Sec. 531.02191. PUBLIC INPUT. In complying with the
5 requirements of Section [~~Sections~~] 531.0218 [~~and 531.0219~~], the
6 commission shall regularly consult with and obtain input from:

7 (1) consumers and family members;

8 (2) providers;

9 (3) advocacy groups;

10 (4) state agencies that administer a Section 1915(c)
11 waiver program; and

12 (5) other interested persons.

13 SECTION 2.03. (a) Effective September 15, 2009, Section
14 531.0219, Government Code, is repealed.

15 (b) Effective September 15, 2009, the consolidated waiver
16 program under Section 531.0219, Government Code, is abolished. The
17 Department of Aging and Disability Services, with the assistance of
18 the Health and Human Services Commission, shall:

19 (1) before September 14, 2009, determine in which
20 other Section 1915(c) waiver programs, as defined by Section
21 531.001, Government Code, each person receiving services through
22 the consolidated waiver program is eligible for enrollment; and

23 (2) not later than September 14, 2009, transfer the
24 person's enrollment without any break in service from the
25 consolidated waiver program to an appropriate program described by
26 Subdivision (1) of this subsection for which the person is
27 eligible.

1 (c) A person described by Subsection (b) of this section may
2 not be placed on an interest list or any other waiting list for a
3 Section 1915(c) waiver program instead of being enrolled in a
4 program as required by Subsection (b)(2) of this section.

5 SECTION 2.04. If before implementing any provision of this
6 article a state agency determines that a waiver or authorization
7 from a federal agency is necessary for implementation of that
8 provision, the agency affected by the provision shall request the
9 waiver or authorization and may delay implementing that provision
10 until the waiver or authorization is granted.

11 SECTION 2.05. This article takes effect immediately if this
12 Act receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for immediate
15 effect, this article takes effect September 1, 2009.

16 ARTICLE 3. CERTAIN TAX CREDITS FOR INSURER EXAMINATION AND
17 EVALUATION FEES

18 SECTION 3.01. The following laws are repealed:

- 19 (1) Section 221.006, Insurance Code;
20 (2) Section 222.007, Insurance Code;
21 (3) Section 223.009, Insurance Code;
22 (4) Section 401.151(e), Insurance Code; and
23 (5) Section 401.154, Insurance Code.

24 SECTION 3.02. The change in law made by this article applies
25 only to a tax credit for an examination or evaluation fee paid on or
26 after January 1, 2009.

27 SECTION 3.03. This article takes effect immediately if this

1 Act receives a vote of two-thirds of all the members elected to each
2 house, as provided by Section 39, Article III, Texas Constitution.
3 If this Act does not receive the vote necessary for immediate
4 effect, this article takes effect September 1, 2009.

5 ARTICLE 4. AUTHORITY OF THE STATE BOARD OF THE TEXAS EMERGENCY
6 SERVICES RETIREMENT SYSTEM

7 SECTION 4.01. Section 865.006(a), Government Code, is
8 amended to read as follows:

9 (a) The state board shall employ a certified public
10 accountant, an actuary, and an investment consultant for the fund
11 and may acquire computer, custodial, or investment management
12 services for the fund. The state board may employ other employees
13 as necessary. The costs of accounting, actuarial, investment
14 consulting, computer, custodial, or investment management services
15 and other employees or administrative expenses may be paid from
16 income earned by investment of the fund. No portion of the corpus
17 or income of the fund may be used for purposes other than the
18 benefit of members, retired emergency services personnel, and their
19 beneficiaries.

20 SECTION 4.02. This article takes effect September 1, 2009.

21 ARTICLE 5. RELEASE FROM THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE OF
22 CERTAIN INMATES WHO COMPLETE A REHABILITATION PROGRAM

23 SECTION 5.01. Section 508.141, Government Code, is amended
24 by adding Subsections (b-1), (d-1), and (d-2) and amending
25 Subsection (d) to read as follows:

26 (b-1) If a parole panel requires, as a condition of release,
27 that an inmate complete a specific department rehabilitation

1 program before release, the department shall place the inmate in
2 the program specified by the parole panel, except that the
3 department may place the inmate in a different program with the
4 approval of the parole panel.

5 (d) A parole panel may release an inmate on parole during
6 the parole month established for the inmate, or during any
7 applicable range of dates established under Subsection (d-1), if
8 the panel determines that the inmate's release will not increase
9 the likelihood of harm to the public.

10 (d-1) A parole panel that, as a condition of release,
11 requires an inmate to complete a specific department rehabilitation
12 program shall specify a range of dates, based on the date the inmate
13 is likely to have completed the specified program, during which the
14 department may release the inmate, if the inmate has:

15 (1) successfully completed the program specified by
16 the parole panel; and

17 (2) satisfied all other conditions of release
18 specified by the parole panel.

19 (d-2) The range of dates specified by the parole panel under
20 Subsection (d-1) may not begin earlier than the 45th day before any
21 applicable release date established for the inmate and must be a
22 range of at least 30 days.

23 SECTION 5.02. The change in law made by this article applies
24 to any inmate who is confined in a facility operated by or under
25 contract with the Texas Department of Criminal Justice on or after
26 the effective date of this article, regardless of when the inmate's
27 period of confinement began.

1 SECTION 5.03. This article takes effect September 1, 2009.

2 ARTICLE 6. GENERAL APPROPRIATIONS ACT

3 SECTION 6.01. (a) Each agency appropriated funds under the
4 General Appropriations Act shall reduce travel expenses during the
5 fiscal year beginning on September 1, 2009, by an amount equal to
6 one percent of the amount of total travel expenses incurred by the
7 agency during the fiscal year that began on September 1, 2008.

8 (b) This section expires September 1, 2011.

9 SECTION 6.02. (a) The appropriations to an agency affected
10 by the provisions of Articles 1-5 of this Act for the fiscal
11 biennium beginning on September 1, 2009, are reduced by an amount
12 determined by the comptroller, in consultation with the affected
13 agency and the Legislative Budget Board, to reflect the reduced
14 cost of carrying out the agency's powers and duties resulting from
15 the changes in law made by this Act.

16 (b) This section expires September 1, 2011.

17 ARTICLE 7. EFFECTIVE DATE

18 SECTION 7.01. Except as otherwise provided by this Act,
19 this Act takes effect September 1, 2009.