1-1 By: Nelson   S.B. No. 288
1-2   (In the Senate - Filed November 12, 2008; February 11, 2009,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 2, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 March 2, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 288   By: Nelson

1-8   A BILL TO BE ENTITLED
1-9   AN ACT

1-10 relating to the review of a Medicaid recipient's electronic
1-11 medication history by a provider of Medicaid acute care services.
1-12   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-13   SECTION 1. Subchapter B, Chapter 531, Government Code, is
1-14 amended by adding Section 531.0961 to read as follows:
1-15   Sec. 531.0961. MEDICAID PROVIDER REVIEW OF ELECTRONIC
1-16 MEDICATION HISTORY. (a) A physician or other health care provider
1-17 providing acute care services under the state Medicaid program,
1-18 before providing an acute care service or procedure to a Medicaid
1-19 recipient, shall review the recipient's prescription and
1-20 nonprescription medication history included in:
1-21   (1) a health passport provided to the recipient under
1-22 Section 266.006, Family Code, or any other law; or
1-23   (2) any other electronic health records maintained
1-24 under the program with respect to the recipient and to which the
1-25 provider has access.
1-26   (b) The executive commissioner shall adopt rules to ensure
1-27 that each physician or other health care provider providing acute
1-28 care services under the state Medicaid program complies with this
1-29 section.
1-30   SECTION 2. If before implementing any provision of this Act
1-31 a state agency determines that a waiver or authorization from a
1-32 federal agency is necessary for implementation of that provision,
1-33 the agency affected by the provision shall request the waiver or
1-34 authorization and may delay implementing that provision until the
1-35 waiver or authorization is granted.
1-36   SECTION 3. This Act takes effect September 1, 2009.

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