

By: Hinojosa, et al.

S.B. No. 796

A BILL TO BE ENTITLED

AN ACT

relating to the provision and evaluation of comprehensive substance abuse treatment under the state Medicaid program.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0226 to read as follows:

Sec. 531.0226. SUBSTANCE ABUSE TREATMENT EVALUATION.

(a) The commission shall monitor the provision of comprehensive substance abuse treatment, as described by Section 32.024(ff), Human Resources Code, to Medicaid recipients who are at least 21 years of age and analyze data relating to the provision of those services. The commission shall provide the data to the Legislative Budget Board in the format and at the times requested by the Legislative Budget Board.

(b) The data analyzed and provided under Subsection (a) must:

(1) be measured in three consecutive years, including the year before the year in which the recipient receives comprehensive substance abuse treatment, the year in which the treatment is first provided to the recipient, and the year following the year in which the treatment is first provided to the recipient; and

(2) include at least the following:

(A) the number of recipients to whom

1 comprehensive substance abuse treatment is provided;

2 (B) the type of substance abuse treatment
3 provided;

4 (C) the average annual cost per recipient of
5 treatment under the Medicaid program, other than the comprehensive
6 substance abuse treatment, including inpatient services other than
7 inpatient labor and delivery services, emergency department
8 services, outpatient services, and pharmaceutical and ancillary
9 services;

10 (D) the average annual cost per recipient of the
11 comprehensive substance abuse treatment; and

12 (E) the average annual number per recipient of:

13 (i) inpatient days;

14 (ii) emergency department visits; and

15 (iii) outpatient visits.

16 (c) The commission shall collect the data listed in
17 Subsections (b)(2)(C) and (E) for Medicaid recipients who are at
18 least 21 years of age and with respect to whom there is no evidence
19 of a substance abuse disorder for the same period described by
20 Subsection (b).

21 (d) The commission shall ensure that data is analyzed using:

22 (1) appropriate demographic categories, including
23 recipient age, disability, and income; and

24 (2) the type of service delivery model through which
25 the recipient received services through Medicaid, including the
26 fee-for-service, primary care case management, and health
27 maintenance organization models.

1 (e) Using the data provided by the commission, the
2 Legislative Budget Board shall evaluate cost and utilization trends
3 and whether the provision of comprehensive substance abuse
4 treatment through the state Medicaid program results in an increase
5 in overall Medicaid spending. Not later than February 1, 2013, the
6 Legislative Budget Board shall prepare and publish a report of the
7 data. The Legislative Budget Board shall provide a draft of the
8 report to the commission before publishing the report.

9 (f) If the Legislative Budget Board determines that the
10 provision of comprehensive substance abuse treatment through the
11 state Medicaid program has resulted in an increase in overall
12 Medicaid spending, the commission may not continue to provide those
13 services to a Medicaid recipient who is at least 21 years of age.

14 (g) This section expires March 1, 2013.

15 SECTION 2. Section 32.024, Human Resources Code, is amended
16 by adding Subsection (ff) to read as follows:

17 (ff) Except as otherwise provided by this subsection, the
18 department shall provide comprehensive substance abuse treatment
19 under the medical assistance program to a person who is at least 21
20 years of age, has a substance abuse disorder, and otherwise
21 qualifies for medical assistance. The department may not provide
22 the treatment if, based on the data evaluated under Section
23 531.0226, Government Code, the Legislative Budget Board determines
24 that the treatment resulted in an increase in overall medical
25 assistance program spending. Comprehensive substance abuse
26 treatment includes assessment, residential detoxification,
27 outpatient detoxification, methadone maintenance, residential

1 services, specialized residential services for women, outpatient
2 chemical dependency counseling, and any other necessary services as
3 determined by the department.

4 SECTION 3. If before implementing any provision of this Act
5 a state agency determines that a waiver or authorization from a
6 federal agency is necessary for implementation of that provision,
7 the agency affected by the provision shall request the waiver or
8 authorization and may delay implementing that provision until the
9 waiver or authorization is granted.

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