

By: Hinojosa

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. STUDY REGARDING COMPREHENSIVE SUBSTANCE ABUSE TREATMENT. (a) The commission shall conduct a study regarding the cost-effectiveness of providing 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.

(b) To evaluate the cost-effectiveness of providing comprehensive substance abuse treatment to Medicaid recipients, the commission shall identify and use specific outcome measures. The outcome measures must 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. The study must include, for Medicaid recipients who receive comprehensive substance abuse treatment, at least the following outcome measures:

(1) the average annual cost per recipient of a

1 recipient's treatment under the Medicaid program, other than the
2 comprehensive substance abuse treatment, including inpatient
3 services other than inpatient labor and delivery services,
4 outpatient services, and pharmaceutical and ancillary services;

5 (2) the average annual cost per recipient of the
6 comprehensive substance abuse treatment; and

7 (3) the average annual number, per recipient, of:

8 (A) inpatient days;

9 (B) emergency department visits; and

10 (C) outpatient visits.

11 (c) To evaluate cost and utilization trends among Medicaid
12 recipients who are at least 21 years of age and with respect to whom
13 there is no evidence of a substance abuse disorder, the commission
14 shall collect data regarding the outcome measures listed in
15 Subsections (b)(1) and (3) for the same period described by
16 Subsection (b).

17 (d) In conducting the study, the commission shall ensure
18 that outcome data is evaluated using:

19 (1) appropriate demographic categories, including
20 recipient age, disability, and income; and

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

25 (e) Using the data collected during the study, the
26 commission shall evaluate cost and utilization trends and whether
27 the provision of comprehensive substance abuse treatment through

1 the state Medicaid program results in an increase in overall
2 Medicaid spending. The commission shall prepare a report of the
3 study data and the commission's determination and, not later than
4 December 1, 2012, submit the report to the governor, the state
5 auditor, and the Legislative Budget Board.

6 (f) If the commission determines that the provision of
7 comprehensive substance abuse treatment through the state Medicaid
8 program has resulted in an increase in overall Medicaid spending,
9 the commission:

10 (1) may not continue to provide those services to a
11 Medicaid recipient who is at least 21 years of age; and

12 (2) shall, in the report required by Subsection (e),
13 recommend the repeal of Section 32.024(ff), Human Resources Code.

14 (g) This section expires January 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 study conducted under Section
23 531.0226, Government Code, a determination is made that the
24 treatment resulted in an increase in overall medical assistance
25 program spending. Comprehensive substance abuse treatment
26 includes assessment, residential detoxification, outpatient
27 detoxification, methadone maintenance, residential services,

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

4 SECTION 3. Not later than December 1, 2009, the Health and
5 Human Services Commission shall submit to the Legislative Budget
6 Board for approval the commission's proposed methodology,
7 including outcome measures selected, for the cost-effectiveness
8 study required by Section 531.0226, Government Code, as added by
9 this Act.

10 SECTION 4. If before implementing any provision of this Act
11 a state agency determines that a waiver or authorization from a
12 federal agency is necessary for implementation of that provision,
13 the agency affected by the provision shall request the waiver or
14 authorization and may delay implementing that provision until the
15 waiver or authorization is granted.

16 SECTION 5. This Act takes effect September 1, 2009.