

1-1 By: Hinojosa, et al. S.B. No. 796  
1-2 (In the Senate - Filed February 11, 2009; March 4, 2009,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; March 30, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 6, Nays 3;  
1-6 March 30, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 796 By: Deuell

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

1-10 relating to the provision and evaluation of comprehensive substance  
1-11 abuse treatment under the state Medicaid program.

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 531.0226 to read as follows:

1-15 Sec. 531.0226. SUBSTANCE ABUSE TREATMENT EVALUATION.

1-16 (a) The commission shall monitor the provision of comprehensive  
1-17 substance abuse treatment, as described by Section 32.024(ff),  
1-18 Human Resources Code, to Medicaid recipients who are at least 21  
1-19 years of age and analyze data relating to the provision of those  
1-20 services. The commission shall provide the data to the Legislative  
1-21 Budget Board in the format and at the times requested by the  
1-22 Legislative Budget Board.

1-23 (b) The data analyzed and provided under Subsection (a)  
1-24 must:

1-25 (1) be measured in three consecutive years, including  
1-26 the year before the year in which the recipient receives  
1-27 comprehensive substance abuse treatment, the year in which the  
1-28 treatment is first provided to the recipient, and the year  
1-29 following the year in which the treatment is first provided to the  
1-30 recipient; and

1-31 (2) include at least the following:

1-32 (A) the number of recipients to whom  
1-33 comprehensive substance abuse treatment is provided;

1-34 (B) the type of substance abuse treatment  
1-35 provided;

1-36 (C) the average annual cost per recipient of  
1-37 treatment under the Medicaid program, other than the comprehensive  
1-38 substance abuse treatment, including inpatient services other than  
1-39 inpatient labor and delivery services, emergency department  
1-40 services, outpatient services, and pharmaceutical and ancillary  
1-41 services;

1-42 (D) the average annual cost per recipient of the  
1-43 comprehensive substance abuse treatment; and

1-44 (E) the average annual number per recipient of:

1-45 (i) inpatient days;

1-46 (ii) emergency department visits; and

1-47 (iii) outpatient visits.

1-48 (c) The commission shall collect the data listed in  
1-49 Subsections (b)(2)(C) and (E) for Medicaid recipients who are at  
1-50 least 21 years of age and with respect to whom there is no evidence  
1-51 of a substance abuse disorder for the same period described by  
1-52 Subsection (b).

1-53 (d) The commission shall ensure that data is analyzed using:

1-54 (1) appropriate demographic categories, including  
1-55 recipient age, disability, and income; and

1-56 (2) the type of service delivery model through which  
1-57 the recipient received services through Medicaid, including the  
1-58 fee-for-service, primary care case management, and health  
1-59 maintenance organization models.

1-60 (e) Using the data provided by the commission, the  
1-61 Legislative Budget Board shall evaluate cost and utilization trends  
1-62 and whether the provision of comprehensive substance abuse  
1-63 treatment through the state Medicaid program results in an increase

2-1 in overall Medicaid spending. Not later than February 1, 2013, the  
2-2 Legislative Budget Board shall prepare and publish a report of the  
2-3 data. The Legislative Budget Board shall provide a draft of the  
2-4 report to the commission before publishing the report.

2-5 (f) If the Legislative Budget Board determines that the  
2-6 provision of comprehensive substance abuse treatment through the  
2-7 state Medicaid program has resulted in an increase in overall  
2-8 Medicaid spending, the commission may not continue to provide those  
2-9 services to a Medicaid recipient who is at least 21 years of age.

2-10 (g) This section expires March 1, 2013.

2-11 SECTION 2. Section 32.024, Human Resources Code, is amended  
2-12 by adding Subsection (ff) to read as follows:

2-13 (ff) Except as otherwise provided by this subsection, the  
2-14 department shall provide comprehensive substance abuse treatment  
2-15 under the medical assistance program to a person who is at least 21  
2-16 years of age, has a substance abuse disorder, and otherwise  
2-17 qualifies for medical assistance. The department may not provide  
2-18 the treatment if, based on the data evaluated under Section  
2-19 531.0226, Government Code, the Legislative Budget Board determines  
2-20 that the treatment resulted in an increase in overall medical  
2-21 assistance program spending. Comprehensive substance abuse  
2-22 treatment includes assessment, residential detoxification,  
2-23 outpatient detoxification, methadone maintenance, residential  
2-24 services, specialized residential services for women, outpatient  
2-25 chemical dependency counseling, and any other necessary services as  
2-26 determined by the department.

2-27 SECTION 3. If before implementing any provision of this Act  
2-28 a state agency determines that a waiver or authorization from a  
2-29 federal agency is necessary for implementation of that provision,  
2-30 the agency affected by the provision shall request the waiver or  
2-31 authorization and may delay implementing that provision until the  
2-32 waiver or authorization is granted.

2-33 SECTION 4. This Act takes effect September 1, 2009.

2-34 \* \* \* \* \*