

By: Nelson

S.B. No. 1881

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the alignment of certain Medicaid procedures regarding  
3 written orders for diabetic equipment and supplies with comparable  
4 Medicare written order procedures.

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

6 SECTION 1. Subchapter B, Chapter 531, Government Code, is  
7 amended by adding Section 531.099 to read as follows:

8 Sec. 531.099. ALIGNMENT OF MEDICAID DIABETIC EQUIPMENT AND  
9 SUPPLIES WRITTEN ORDER PROCEDURES WITH MEDICARE DIABETIC EQUIPMENT  
10 AND SUPPLIES WRITTEN ORDER PROCEDURES. (a) The commission shall  
11 review forms and requirements under the Medicaid program regarding  
12 written orders for diabetic equipment and supplies to identify  
13 variations between permissible ordering procedures under that  
14 program and ordering procedures available to providers under the  
15 Medicare program.

16 (b) To the extent practicable, and notwithstanding any  
17 other state law, after conducting a review under Subsection (a) the  
18 commission shall modify rules and procedures applicable to written  
19 orders for diabetic equipment and supplies under the Medicaid  
20 program to provide for an ordering system that is comparable to the  
21 ordering system for diabetic equipment and supplies under the  
22 Medicare program. The ordering system must permit the following  
23 persons to complete forms by hand or to enter by electronic format  
24 medical information or supply orders into any form as necessary to

1 provide the information required to dispense diabetic equipment or  
2 supplies:

- 3           (1) a physician;
- 4           (2) a physician assistant;
- 5           (3) a nurse practitioner;
- 6           (4) a clinical nurse specialist;
- 7           (5) a provider of diabetic equipment or supplies; or
- 8           (6) any staff member or employee designated by a  
9 person listed in Subdivisions (1)-(5).

10           (c) A provider of diabetic equipment and supplies may bill  
11 and collect payment for the provider's services if the provider has  
12 a copy of the form that meets the requirements of Subsection (b) and  
13 that is signed by a medical practitioner licensed in this state to  
14 treat diabetic patients. Additional documentation may not be  
15 required.

16           SECTION 2. If before implementing any provision of this Act  
17 a state agency determines that a waiver or authorization from a  
18 federal agency is necessary for implementation of that provision,  
19 the agency affected by the provision shall request the waiver or  
20 authorization and may delay implementing that provision until the  
21 waiver or authorization is granted.

22           SECTION 3. This Act takes effect September 1, 2009.