

AN ACT

relating to the authorization of certain nonemergency ambulance services under the Medicaid program.

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

SECTION 1. Subsection (t), Section 32.024, Human Resources Code, is amended to read as follows:

(t) The department by rule shall require a physician, nursing facility, health care provider, or other responsible party to obtain authorization from the department or a person authorized to act on behalf of the department on the same day or the next business day following the day of transport when ~~before~~ an ambulance is used to transport a recipient of medical assistance under this chapter in circumstances not involving an emergency and the request is for the authorization of the provision of transportation for only one day. If the request is for authorization of the provision of transportation on more than one day, the department by rule shall require a physician, nursing facility, health care provider, or other responsible party to obtain a single authorization before an ambulance is used to transport a recipient of medical assistance under this chapter in circumstances not involving an emergency. The rules must provide that:

(1) except as provided by Subdivision (3), a request for authorization must be evaluated based on the recipient's

1 medical needs and may be granted for a length of time appropriate to
2 the recipient's medical condition;

3 (2) except as provided by Subdivision (3), a response
4 to a request for authorization must be made not later than 48 hours
5 after receipt of the request;

6 (3) a request for authorization must be immediately
7 granted and must be effective for a period of not more than 180 days
8 from the date of issuance if the request includes a written
9 statement from a physician that:

10 (A) states that alternative means of
11 transporting the recipient are contraindicated; and

12 (B) is dated not earlier than the 60th day before
13 the date on which the request for authorization is made;

14 (4) a person denied payment for ambulance services
15 rendered is entitled to payment from the nursing facility, health
16 care provider, or other responsible party that requested the
17 services if:

18 (A) payment under the medical assistance program
19 is denied because of lack of prior authorization; and

20 (B) the person provides the nursing facility,
21 health care provider, or other responsible party with a copy of the
22 bill for which payment was denied; ~~and~~

23 (5) a person denied payment for services rendered
24 because of failure to obtain prior authorization or because a
25 request for prior authorization was denied is entitled to appeal
26 the denial of payment to the department; and

27 (6) the department or a person authorized to act on

1 behalf of the department must be available to evaluate requests for
2 authorization under this subsection not less than 12 hours each
3 day, excluding weekends and state holidays.

4 SECTION 2. 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 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2424 passed the Senate on April 27, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 2424 passed the House on May 27, 2009, by the following vote: Yeas 148, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor