

1-1 By: Deuell S.B. No. 2424
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 22, 2009, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 22, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the authorization of certain nonemergency ambulance
1-9 services under the Medicaid program.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (t), Section 32.024, Human Resources
1-12 Code, is amended to read as follows:

1-13 (t) The department by rule shall require a physician,
1-14 nursing facility, health care provider, or other responsible party
1-15 to obtain authorization from the department or a person authorized
1-16 to act on behalf of the department on the same day or the next
1-17 business day following the day of transport when ~~before~~ an
1-18 ambulance is used to transport a recipient of medical assistance
1-19 under this chapter in circumstances not involving an emergency and
1-20 the request is for the authorization of the provision of
1-21 transportation for only one day. If the request is for
1-22 authorization of the provision of transportation on more than one
1-23 day, the department by rule shall require a physician, nursing
1-24 facility, health care provider, or other responsible party to
1-25 obtain a single authorization before an ambulance is used to
1-26 transport a recipient of medical assistance under this chapter in
1-27 circumstances not involving an emergency. The rules must provide
1-28 that:

1-29 (1) except as provided by Subdivision (3), a request
1-30 for authorization must be evaluated based on the recipient's
1-31 medical needs and may be granted for a length of time appropriate to
1-32 the recipient's medical condition;

1-33 (2) except as provided by Subdivision (3), a response
1-34 to a request for authorization must be made not later than 48 hours
1-35 after receipt of the request;

1-36 (3) a request for authorization must be immediately
1-37 granted and must be effective for a period of not more than 180 days
1-38 from the date of issuance if the request includes a written
1-39 statement from a physician that:

1-40 (A) states that alternative means of
1-41 transporting the recipient are contraindicated; and

1-42 (B) is dated not earlier than the 60th day before
1-43 the date on which the request for authorization is made;

1-44 (4) a person denied payment for ambulance services
1-45 rendered is entitled to payment from the nursing facility, health
1-46 care provider, or other responsible party that requested the
1-47 services if:

1-48 (A) payment under the medical assistance program
1-49 is denied because of lack of prior authorization; and

1-50 (B) the person provides the nursing facility,
1-51 health care provider, or other responsible party with a copy of the
1-52 bill for which payment was denied; ~~and~~

1-53 (5) a person denied payment for services rendered
1-54 because of failure to obtain prior authorization or because a
1-55 request for prior authorization was denied is entitled to appeal
1-56 the denial of payment to the department; and

1-57 (6) the department or a person authorized to act on
1-58 behalf of the department must be available to evaluate requests for
1-59 authorization under this subsection not less than 12 hours each
1-60 day, excluding weekends and state holidays.

1-61 SECTION 2. If before implementing any provision of this Act
1-62 a state agency determines that a waiver or authorization from a
1-63 federal agency is necessary for implementation of that provision,
1-64 the agency affected by the provision shall request the waiver or

2-1 authorization and may delay implementing that provision until the
2-2 waiver or authorization is granted.

2-3 SECTION 3. This Act takes effect immediately if it receives
2-4 a vote of two-thirds of all the members elected to each house, as
2-5 provided by Section 39, Article III, Texas Constitution. If this
2-6 Act does not receive the vote necessary for immediate effect, this
2-7 Act takes effect September 1, 2009.

2-8 * * * * *