

SENATE AMENDMENTS

2nd Printing

By: Pitts, Guillen

H.B. No. 1487

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

(b) To the extent practicable, and in conformity with Chapter 157, Occupations Code, and Chapter 483, Health and Safety Code, after conducting a review under Subsection (a) the commission shall modify only forms, rules, and procedures applicable to orders for diabetic equipment and supplies under the Medicaid program to provide for an ordering system that is comparable to the ordering system for diabetic equipment and supplies under the Medicare program. The ordering system must permit a diabetic equipment or supplies supplier to complete the forms by hand or to enter by

1 electronic format medical information or supply orders into any
2 form as necessary to provide the information required to dispense
3 diabetic equipment or supplies.

4 (c) A provider of diabetic equipment and supplies may bill
5 and collect payment for the provider's services if the provider has
6 a copy of the form that meets the requirements of Subsection (b) and
7 that is signed by a medical practitioner licensed in this state to
8 treat diabetic patients. Additional documentation may not be
9 required.

10 SECTION 2. 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 3. This Act takes effect September 1, 2009.

ADOPTED

MAY 21 2009

FLOOR AMENDMENT NO. 1

Atty Gen
Secretary of the Senate

BY:

Nelson

1 Amend H.B. No. 1487 (senate committee printing) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION ____ . The Health and Human Services Commission may
5 use state money to implement Section 531.099, Government Code, as
6 added by this Act, only if the overall cost to the state of
7 operating the Medicaid program does not increase as a result of
8 aligning diabetic equipment and supplies written order procedures
9 with Medicare diabetic equipment and supplies written order
10 procedures as required by that section.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 21, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1487 by Pitts (Relating to the alignment of certain Medicaid procedures regarding written orders for diabetic equipment and supplies with comparable Medicare written order procedures.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend Subchapter B, Chapter 531 of the Government Code by adding section 531.099, which would require the Health and Human Services Commission to review forms and requirements under the Medicaid program regarding written orders for diabetic equipment and supplies and, to the extent possible, align the Medicaid procedures with Medicare procedures.

HHSC assumes that the cost of the bill could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission

LBB Staff: JOB, SD, CL, PP, MB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 6, 2009

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1487 by Pitts (Relating to the alignment of certain Medicaid procedures regarding written orders for diabetic equipment and supplies with comparable Medicare written order procedures.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Subchapter B, Chapter 531 of the Government Code by adding section 531.099, which would require the Health and Human Services Commission to review forms and requirements under the Medicaid program regarding written orders for diabetic equipment and supplies and, to the extent possible, align the Medicaid procedures with Medicare procedures.

HHSC assumes that the cost of the bill could be absorbed within existing resources. However, to the extent that aligning forms and requirements in the Medicaid program with the Medicare program results in an increase in provider reimbursements or in the volume of orders for diabetic equipment or supplies, there would be an increased cost to the state.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission

LBB Staff: JOB, CL, PP, MB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 15, 2009

TO: Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB1487** by Pitts (Relating to the alignment of certain Medicaid procedures regarding written orders for diabetic equipment and supplies with comparable Medicare written order procedures.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Subchapter B, Chapter 531 of the Government Code by adding section 531.099, which would require the Health and Human Services Commission to review forms and requirements under the Medicaid program regarding written orders for diabetic equipment and supplies and, to the extent possible, align the Medicaid procedures with Medicare procedures.

The bill would also expand the type of providers who may order diabetic supplies beyond physicians. HHSC states that this would be in conflict with Title 42 of the Code of Federal Regulations, 440.70 (a) (2).

HHSC assumes that the cost of the bill could be absorbed within existing resources. However, to the extent that aligning forms and requirements in the Medicaid program with the Medicare program results in an increase in provider reimbursements or in the volume of orders for diabetic equipment or supplies, there would be an increased cost to the state. Similarly, to the extent that expanding the the type/number of providers who may order diabetic supplies results in an increase in the volume of ordered supplies, there would be an increased cost to the state.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission

LBB Staff: JOB, CL, PP, MB