

SENATE AMENDMENTS

2nd Printing

By: Turner of Harris, Allen, Crabb, Marquez

H.B. No. 2163

A BILL TO BE ENTITLED

AN ACT

relating to a study regarding the provision of certain medications through the Medicaid vendor drug program to children younger than 16 years of age.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0731 to read as follows:

Sec. 531.0731. STUDY REGARDING THE PROVISION OF CERTAIN MEDICATION TO CHILDREN. (a) The commission shall conduct a study to determine the appropriateness and safety of providing antipsychotic or neuroleptic medication through the Medicaid vendor drug program to children younger than 16 years of age.

(b) The study conducted under Subsection (a) must consider the following factors relevant to the appropriateness and safety of providing the medications to children:

(1) the physical and psychological medical diagnosis of a child's condition;

(2) whether the United States Food and Drug Administration has approved a medication for use by a child of a certain age;

(3) whether a child has successfully taken a medication previously;

(4) access to quality medical care for a child receiving benefits under the program;

1 (5) the standard of care in the medical profession
2 regarding the provision of such medications to a child; and

3 (6) any other factor the commission considers
4 relevant.

5 (c) Not later than November 10, 2010, the executive
6 commissioner shall submit a report containing the results of the
7 study conducted under Subsection (a) to the governor, the
8 lieutenant governor, the speaker of the house of representatives,
9 and the chairs of the Senate Committee on Health and Human Services
10 and the House Committee on Public Health.

11 SECTION 2. This Act takes effect September 1, 2009.

ADOPTED

MAY 25 2009

FLOOR AMENDMENT NO. 1

BY: *Letty Spaw*
Secretary of the Senate
Patricia Vande Putte

1 Amend H B. No. 2163 by adding the following appropriately
2 numbered SECTION to the bill and renumbering subsequent SECTIONS of
3 the bill accordingly:

4 SECTION _____. (a) In this section, "pharmacy care
5 management services" means services provided by a pharmacy to
6 support patients receiving treatment or therapy through a specialty
7 pharmacy drug or therapy and maximize adherence to the drug or
8 therapy, including:

9 (1) significant caregiver and provider contact and
10 education regarding the relevant disease, disease prevention and
11 treatment, and counseling related to drug indications, benefits,
12 risks, complications, and appropriate use of the prescribed drug or
13 therapy;

14 (2) patient compliance services, including
15 coordination of provider visits with delivery of the specialty drug
16 or therapy to the provider, compliance with the dosing regimen,
17 patient reminders, compilation of data, and assisting providers in
18 the development of compliance programs; and

19 (3) tracking services, including developing ordering
20 processes with a provider, screening referrals, and tracking a
21 patient's weight for dosing requirements.

22 (b) The Health and Human Services Commission shall study the
23 feasibility of establishing separate reimbursement rates under the
24 Medicaid vendor drug program for pharmacies that provide pharmacy
25 care management services to patients who are administered specialty
26 pharmacy drugs, including drugs indicated for the prophylaxis of
27 respiratory syncytial virus, blood factor, or any other biologic or
28 therapy that requires complex care.

29 (c) In conducting the study under Subsection (b) of this

1 section, the Health and Human Services Commission shall consult
2 with the Centers for Medicare and Medicaid Services and may
3 consider the adoption of pharmacy care management services
4 reimbursement for pharmacy services adopted by other state Medicaid
5 programs.

6 (d) The Health and Human Services Commission shall seek
7 information from specialty pharmacy providers or other sources
8 regarding the costs of providing pharmacy care management services.

9 (e) Not later than September 1, 2010, the Health and Human
10 Services Commission shall submit a written report of the results of
11 the study conducted under Subsection (b) of this section to the
12 legislature.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

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

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

IN RE: HB2163 by Turner, Sylvester (Relating to a study regarding the provision of certain medications through the Medicaid vendor drug program to children younger than 16 years of age.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would require the Health and Human Services Commission to study and report on the feasibility of establishing separate reimbursement under the Medicaid program for pharmacy care management services. The report would be due to the legislature on September 1, 2010.

The bill would add Section 531.0731 to the Government Code, to require the Health and Human Services Commission to conduct a study on certain medications being provided through the Medicaid vendor drug program to children younger than 16 years of age. The agency would report the results of the study by November 10, 2010.

The bill would take effect September 1, 2009.

The Health and Human Services Commission indicates that the costs of the studies and reporting could be absorbed within existing resources at the agency.

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, MB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

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

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

IN RE: HB2163 by Turner, Sylvester (Relating to a study regarding the provision of certain medications through the Medicaid vendor drug program to children younger than 16 years of age.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would add Section 531.0731 to the Government Code, to require the Health and Human Services Commission to conduct a study on certain medications being provided through the Medicaid vendor drug program to children younger than 16 years of age. The agency would report the results of the study by November 10, 2010.

The bill would take effect September 1, 2009.

The Health and Human Services Commission indicates that the costs of the study could be absorbed within existing resources at the agency.

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, MB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 1, 2009

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

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

IN RE: HB2163 by Turner, Sylvester (Relating to a study regarding the provision of certain medications through the Medicaid vendor drug program to children younger than 16 years of age.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would add Section 531.0731 to the Government Code, to require the Health and Human Services Commission to conduct a study on certain medications being provided through the Medicaid vendor drug program to children younger than 16 years of age. The agency would report the results of the study by November 10, 2010.

The bill would take effect September 1, 2009.

The Health and Human Services Commission indicates that the costs of the study could be absorbed within existing resources at the agency.

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, MB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 23, 2009

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

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

IN RE: HB2163 by Turner, Sylvester (Relating to the provision of certain medications to children younger than 11 years of age.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 32.024, Human Resources Code, to prohibit the Health and Human Services Commission (HHSC) from providing Medicaid reimbursement of antipsychotic or neuroleptic medications to a child who is younger than 11 years of age without prior authorization. Factors to be considered include: the child's diagnosis, approval by the United States Food and Drug Administration for use by a person of the child's age, whether the child has successfully taken the medication in the past, and any other factor HHSC considers relevant.

The bill would take effect September 1, 2009.

HHSC assumes the bill would increase the number of prior authorizations paid for by the Vendor Drug Program but at the same time reduce the number of prescriptions written for antipsychotic or neuroleptic medications for children under the age of 11.

Due to the small number of cases involved, the costs and savings are assumed to be minimal. It is assumed that any costs to change the prior authorization requirements in the Medicaid Vendor Drug Program claims management system would be offset by savings resulting from the reduction in the number of antipsychotic and neuroleptic prescriptions for foster care children under 11 years of age. Therefore, the impact 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, CL, MB

