

Amend CSSB 23 on page 16, lines 14 through 25 by striking existing subsections (F), (G), and (H) and inserting the following and renumbering the remaining sections appropriately:

"(F) under which the managed care organization may not prohibit, limit, or interfere with a recipient's selection of a pharmacy or pharmacist of the recipient's choice for the provision of pharmaceutical services under the plan through the imposition of different copayments;

(G) may allow the managed care organization or any sub-contracted pharmacy benefit manager to contract with a pharmacist or pharmacy providers separately for specialty pharmacy services, except that:

(i) the managed care organization and pharmacy benefit manager is prohibited from allowing exclusive contracts with a specialty pharmacy owned wholly or in part by the pharmacy benefit manager responsible for the administration of the pharmacy benefit program; and

(ii) the managed care organization and pharmacy benefit manager adopts policies and procedures for reclassifying prescription drugs from retail to specialty that are consistent with rules adopted by the executive commissioner and include notice to network pharmacy providers from the managed care organization;

(H) under which the managed care organization may not prevent a pharmacy or pharmacist from participating as a provider if the pharmacy or pharmacist agrees to comply with the financial terms and conditions of the contract as well as other reasonable administrative and professional terms and conditions of the contract;

(I) under which the managed care organization may include mail-order pharmacies in their networks, but must not require enrolled recipients to use them and enrolled recipients who opt out to use this service may not be charged fees, including postage and handling fees; and

(J) under which the managed care organization or pharmacy benefit manager must pay claims in accordance with Section 843.339, Insurance Code."

Amend CSSB 23 on page 10 line 19 by inserting "either" after the word "that" and before the ":".

Amend CSSB 23 on page 10 lines 22 to 25 by striking existing subsection (B) and inserting the following new subsection (B) as follows:

"(B) is in compliance with the requirements of Section 533.004."

Amend CSSB 23 on page 13 line 27 by striking the word "in" and replacing it with the word "to".

Amend CSSB 23 on page 15 line 5 strike "the same" and substitute "a comparable" after the word "to".

Amend CSSB 23 on page 26 insert the appropriately numbered new subsection to Section 533.005 Government Code as amended.

"(\_\_\_\_) Section (21)(A)(B) and (C) are repealed on August 31, 2013."

Amend CSSB 23 by adding the following appropriately numbered new sections:

"SECTION \_\_\_\_\_. Section 247.002(1), Health and Safety Code, is amended to read as follows:

(1) "Assisted living facility" means an establishment that:

(A) furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment;

(B) provides:

(i) personal care services; or

(ii) administration of medication by a person licensed or otherwise authorized in this state to administer the medication; [and]

(C) may provide assistance with or supervision of the administration of medication; ~~and~~

(D) may provide skilled nursing services for a limited duration or to facilitate the provision of hospice services.

SECTION \_\_\_\_\_. Section 247.067(b), Health and Safety Code, is amended to read as follows:

(b) Unless otherwise prohibited by law, a [A] health care

professional may be employed by an assisted living facility to provide at the facility to the facility's residents services that are authorized by this chapter and within the professional's scope of practice [~~to a resident of an assisted living facility at the facility~~]. This subsection does not authorize a facility to provide ongoing services comparable to the services available in an institution licensed under Chapter 242. A health care professional providing services under this subsection shall maintain medical records of those services in accordance with the licensing, certification, or other regulatory standards applicable to the health care professional under law."

Amend **CSSB 23** on page 6 line 4 through 7 by striking (B) and replacing it with the following new (B):

"(B) an assessment of whether the recipient should be referred for additional assessments regarding the recipient's needs for attendant care services and durable medical equipment; and"

Amend **CSSB 23** by striking on page 6 lines 20 through page 7 line 11.