

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 5, 2011

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

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

IN RE: HB2478 by Perry (Relating to the provision of nonemergency medical services to Medicaid recipients and reimbursement for those services.), **As Introduced**

The fiscal implications of the bill cannot be determined at this time.

SECTION 1 of the bill requires the executive commissioner of the Health and Human Services Commission (HHSC) to adopt policies designed to improve Medicaid recipient access to nonemergency medical services by encouraging federally qualified health centers and other community health clinics providing services to Medicaid recipients to maintain hours of operation that include evening hours until at least 10pm. HHSC assumes no significant fiscal impact from these provisions.

SECTION 2 of the bill requires HHSC to deny Medicaid reimbursement for the provision of nonemergency medical services through a hospital emergency room unless, at the time the recipient is seeking care, there is no nonemergency medical services provider available within 50 miles that could provide the service. It eliminates language currently authorizing HHSC to require recipients choosing high-cost medical services through a hospital emergency room to pay a copayment, premium payment, or other cost-sharing payment in certain circumstances. It requires the executive commissioner of HHSC to adopt rules prescribing a process under which a hospital emergency room provides information to a Medicaid recipient seeking nonemergency medical services regarding the availability of nonemergency medical services providers. HHSC would be prohibited from denying reimbursement if the denial would prevent a Medicaid recipient who has a condition requiring emergency medical services from receiving care through a hospital emergency room or would waive any provision under Section 1867 of the Social Security Act, relating to examination and treatment for emergency medical conditions and women in labor. Denial of reimbursement would also be prohibited for the provision of nonemergency medical services provided in a hospital emergency room to a Medicaid recipient younger than six years of age.

According to HHSC, it would not be feasible to modify the claims payment systems to deny reimbursement based on age and access to other services; the commission would be unable to determine the availability of an alternative nonemergency medical services provider. The fiscal impact of these provisions cannot be determined because the bill as written cannot be implemented.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time

Source Agencies: 529 Health and Human Services Commission

LBB Staff: JOB, CL, LR, MB, NB