

SENATE AMENDMENTS

2nd Printing

By: Strama, Marquez, Dukes, Naishtat

H.B. No. 3531

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a system for monitoring prescriptions of certain drugs
3 under the Medicaid program for children in foster care.

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

5 SECTION 1. Subchapter A, Chapter 533, Government Code, is
6 amended by adding Section 533.0161 to read as follows:

7 Sec. 533.0161. MONITORING OF PSYCHOTROPIC DRUG
8 PRESCRIPTIONS FOR CERTAIN CHILDREN. (a) In this section,
9 "psychotropic drug" has the meaning assigned by Section 261.111,
10 Family Code.

11 (b) The commission shall implement a system under which the
12 commission will use Medicaid vendor drug program data to monitor
13 the prescribing of psychotropic drugs for children who are:

14 (1) in the conservatorship of the Department of Family
15 and Protective Services; and

16 (2) enrolled in the STAR Medicaid managed care
17 program.

18 (c) The commission shall include as a component of the
19 monitoring system required by this section a medical review of a
20 prescription to which Subsection (b) applies when that review is
21 appropriate.

22 SECTION 2. If before implementing any provision of this Act
23 a state agency determines that a waiver or authorization from a
24 federal agency is necessary for implementation of that provision,

1 the agency affected by the provision shall request the waiver or
2 authorization and may delay implementing that provision until the
3 waiver or authorization is granted.

4 SECTION 3. This Act takes effect September 1, 2011.

ADOPTED

MAY 19 2011

Atty. Gen.
Secretary of the Senate

By: STRANVA

H.B. No. 3531

Substitute the following for H.B. No. 3531:

By: Jane Nelson

C.S. H.B. No. 3531

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8 PRESCRIPTIONS FOR CERTAIN CHILDREN. (a) In this section,
9 "psychotropic drug" has the meaning assigned by Section 261.111,
10 Family Code.

11 (b) The commission shall implement a system under which the
12 commission will use Medicaid prescription drug data to monitor the
13 prescribing of psychotropic drugs for children who are:

14 (1) in the conservatorship of the Department of Family
15 and Protective Services; and

16 (2) enrolled in the STAR Health Medicaid managed care
17 program.

18 (c) The commission shall include as a component of the
19 monitoring system required by this section a medical review of a
20 prescription to which Subsection (b) applies when that review is
21 appropriate.

22 SECTION 2. If before implementing any provision of this Act
23 a state agency determines that a waiver or authorization from a
24 federal agency is necessary for implementation of that provision,

1 the agency affected by the provision shall request the waiver or
2 authorization and may delay implementing that provision until the
3 waiver or authorization is granted.

4 SECTION 3. This Act takes effect September 1, 2011.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 19, 2011

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

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

IN RE: HB3531 by Strama (Relating to a system for monitoring prescriptions of certain drugs under the Medicaid program for children in foster care.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would require the Health and Human Services Commission (HHSC) to implement a system to monitor the prescribing of psychotropic drugs for children who are in the conservatorship of the Department of Family and Protective Services and enrolled in the STAR Health Medicaid managed care program. The system would be required to include a medical review of certain prescriptions when appropriate. According to HHSC, no significant fiscal impact is anticipated from implementation of the monitoring system. The potential fiscal impact on drug utilization or utilization of other health care services cannot be determined, but is assumed to not be significant.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

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

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 12, 2011

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

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

IN RE: HB3531 by Strama (Relating to a system for monitoring prescriptions of certain drugs under the Medicaid program for children in foster care.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would require the Health and Human Services Commission (HHSC) to implement a system to monitor the prescribing of psychotropic drugs for children who are in the conservatorship of the Department of Family and Protective Services and enrolled in the STAR Health Medicaid managed care program. The system would be required to include a medical review of certain prescriptions when appropriate. According to HHSC, no significant fiscal impact is anticipated from implementation of the monitoring system. The potential fiscal impact on drug utilization or utilization of other health care services cannot be determined, but is assumed to not be significant.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

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

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 6, 2011

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

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

IN RE: HB3531 by Strama (Relating to a system for monitoring prescriptions of certain drugs under the Medicaid program for children in foster care.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would require the Health and Human Services Commission (HHSC) to implement a system to monitor the prescribing of psychotropic drugs for children who are in the conservatorship of the Department of Family and Protective Services and enrolled in the STAR Medicaid managed care program. The system would be required to include a medical review of certain prescriptions when appropriate. According to HHSC, no significant fiscal impact is anticipated from implementation of the monitoring system. The potential fiscal impact on drug utilization or utilization of other health care services cannot be determined, but is assumed to not be significant.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services,
Department of

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 18, 2011

TO: Honorable Richard Pena Raymond, Chair, House Committee on Human Services

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

IN RE: HB3531 by Strama (Relating to a system for monitoring prescriptions of certain drugs under the Medicaid program for children in foster care.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would require the Health and Human Services Commission (HHSC) to implement a system to monitor the prescribing of psychotropic drugs for children who are in the conservatorship of the Department of Family and Protective Services and enrolled in the STAR Medicaid managed care program. The system would be required to include a medical review of certain prescriptions when appropriate. According to HHSC, no significant fiscal impact is anticipated from implementation of the monitoring system. The potential fiscal impact on drug utilization or utilization of other health care services cannot be determined, but is assumed to not be significant.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 11, 2011

TO: Honorable Richard Pena Raymond, Chair, House Committee on Human Services

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

IN RE: HB3531 by Strama (Relating to the provision of certain prescription medications to a foster child.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would limit to four the number of medications prescribed to a foster child to be taken concurrently except in the case of an emergency or unless the decision to prescribe more than four medications is reviewed and approved by an independent physician provided by the managed care organization (MCO) providing health care services under the STAR Health program. It is assumed that the cost to modify claims processing and prior authorization systems to enforce the prescription limit and process related prior authorization transactions would not be significant. Any cost to the MCO to provide independent review and approval is also assumed to be insignificant. The potential fiscal impact on drug utilization or utilization of other acute care health services cannot be determined, but is assumed to not be significant.

The bill would also require the Department of Family and Protective Services to maintain a record of all medications prescribed for a child in the conservatorship of the department. Any additional workload associated with this requirement is assumed not to be significant.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

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