

BILL ANALYSIS

H.B. 473
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Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

As required by legislation enacted by the 81st Legislature and in response to concerns regarding the safety of providing antipsychotic medications to children, the Health and Human Services Commission (HHSC) recently conducted a study and submitted a report regarding the provision of certain medications through the Medicaid vendor drug program to children younger than 16 years of age. Based on information collected by the commission, HHSC has taken additional actions regarding the authorization for provision of these medications to young children. H.B. 473 seeks to affirm the actions of HHSC and to take steps to further protect the health of young children by requiring certain managed care organizations to require prior authorization for the provision of certain medications to children younger than five years of age.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

H.B. 473 amends the Government Code to require the Health and Human Services Commission (HHSC), to the extent allowed by federal law, to ensure that a managed care organization providing prescription drug benefits under the Medicaid program requires prior authorization for the provision of an antipsychotic or neuroleptic medication to a child who is younger than five years of age. The bill requires the managed care organization, in determining whether to grant prior authorization for the provision of the medication, to consider 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 relevant factor specified by rule.

H.B. 473 amends the Human Resources Code to prohibit HHSC, to the extent allowed by federal law, from providing medical assistance through the vendor drug program for the provision of an antipsychotic or neuroleptic medication to a child who is younger than five years of age unless HHSC authorizes the provision of that medication in advance. The bill requires HHSC, in determining whether to authorize the medication, to consider 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.

H.B. 473 requires HHSC, in a contract for the provision of prescription drug benefits between HHSC and a managed care organization under the Medicaid managed care program that is entered into or renewed on or after the effective date of the bill, to require that the managed care organization comply with the requirements for prior authorization. The bill requires HHSC to seek to amend contracts for the provision of prescription drug benefits entered into with a managed care organization under the Medicaid managed care program before the effective date of the bill to require those managed care organizations to comply with the bill's requirements for prior authorization. The bill specifies that, to the extent of a conflict between the authorization requirements and a provision of a contract with a managed care organization entered into before the effective date of the bill, the contract provision prevails.

H.B. 473 requires HHSC, not later than January 1, 2014, to adopt protocols to implement the bill's provisions while ameliorating the effects those provisions may have on children receiving medication as a covered benefit through Medicaid.

EFFECTIVE DATE

September 1, 2013.