

BILL ANALYSIS

Senate Research Center

S.B. 1175
By: Deuell
Health & Human Services
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Durable medical equipment (DME) is medical equipment that is expected to be used for a period of time (e.g., wheelchairs, lifts, walkers, gait trainers, ventilators).

With the growth of costs and enrollment in Medicaid, eight states now have programs allowing for the reuse of DME while another eight are implementing such a program. Though these programs vary, they allow the state to get back lightly used DME that has been found not to meet the needs of the patient or that has been given to a patient who passes away shortly after receiving it.

There are numerous considerations involved in such a program. It should be cost-effective, maximizing potential savings. At the same time, the reused DME needs to be safe and proper for the patient receiving it and the rights of the patients must be respected. Stakeholders should work with officials in Texas's Medicaid program to design the right system.

S.B. 1175 directs the Health and Human Services Commission to establish a program to facilitate the use of DME under the Medicaid program by September 1, 2014.

S.B. 1175 amends current law relating to the establishment of a reuse program for durable medical equipment provided to recipients under the Medicaid program.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 531.0843, Government Code) and SECTION 2 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.0843, as follows:

Sec. 531.0843. DURABLE MEDICAL EQUIPMENT REUSE PROGRAM. (a) Defines "complex rehabilitation technology equipment" and "durable medical equipment" in this section.

(b) Requires the executive commissioner of the Health and Human Services Commission (HHSC) (executive commissioner) by rule, if HHSC determines that it is cost-effective, to establish a program to facilitate the reuse of durable medical equipment provided to recipients under the Medicaid program.

(c) Requires that the program include provisions for ensuring that reused equipment meets applicable standards of functionality and sanitation, and a Medicaid recipient's participation in the reuse program is voluntary.

(d) Provides that the program does not waive any immunity from liability of HHSC or an employee of HHSC, or create a cause of action against HHSC or an

employee of HHSC arising from the provision of reused durable medical equipment under the program.

(e) Requires the executive commissioner, in accordance with Chapter 551 (Open Meetings) or 2001 (Administrative Procedure), as applicable, to provide notice of each proposed rule, adopted rule, and hearing that relates to establishing the program under this section.

SECTION 2. Requires the executive commissioner, not later than September 1, 2014, to establish the program required by Section 531.0843, Government Code, as added by this Act, and to adopt necessary rules to implement the program, if HHSC determines that establishing the program is cost-effective.

SECTION 3. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes a delay of implementation until such a waiver or authorization is granted.

SECTION 4. Effective date: upon passage or September 1, 2013.