

By: Turner of Harris

H.B. No. 473

A BILL TO BE ENTITLED

AN ACT

relating to the provision under the medical assistance program of certain medications to children younger than five years of age.

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

SECTION 1. Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.0162 to read as follows:

Sec. 533.0162. PRIOR AUTHORIZATION FOR CERTAIN MEDICATIONS FOR CHILDREN. To the extent allowed by federal law, the commission shall 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. In determining whether to grant prior authorization for the provision of the medication, the managed care organization shall consider:

(1) the child's diagnosis;

(2) approval by the United States Food and Drug Administration for use by a person of the child's age;

(3) whether the child has successfully taken the medication in the past; and

(4) any other relevant factor specified by rule.

SECTION 2. Section 32.024, Human Resources Code, is amended by adding Subsection (hh) to read as follows:

(hh) To the extent allowed by federal law, the department

1 may not provide medical assistance through the vendor drug program  
2 for the provision of an antipsychotic or neuroleptic medication to  
3 a child who is younger than five years of age unless the department  
4 authorizes the provision of that medication in advance. In  
5 determining whether to authorize the medication, the department  
6 shall consider:

7 (1) the child's diagnosis;

8 (2) approval by the United States Food and Drug  
9 Administration for use by a person of the child's age;

10 (3) whether the child has successfully taken the  
11 medication in the past; and

12 (4) any other factor the department considers  
13 relevant.

14 SECTION 3. (a) The Health and Human Services Commission  
15 shall, in a contract for the provision of prescription drug  
16 benefits between the commission and a managed care organization  
17 under Chapter 533, Government Code, that is entered into or renewed  
18 on or after the effective date of this Act, require that the managed  
19 care organization comply with Section 533.0162, Government Code, as  
20 added by this Act.

21 (b) The Health and Human Services Commission shall seek to  
22 amend contracts for the provision of prescription drug benefits  
23 entered into with managed care organizations under Chapter 533,  
24 Government Code, before the effective date of this Act to require  
25 those managed care organizations to comply with Section 533.0162,  
26 Government Code, as added by this Act. To the extent of a conflict  
27 between that section and a provision of a contract with a managed

1 care organization entered into before the effective date of this  
2 Act, the contract provision prevails.

3 SECTION 4. Not later than January 1, 2014, the Health and  
4 Human Services Commission shall adopt protocols to implement the  
5 changes in law made by this Act while ameliorating the effects those  
6 changes in law may have on children receiving medication as a  
7 covered benefit through the medical assistance program under  
8 Chapter 32, Human Resources Code.

9 SECTION 5. If before implementing any provision of this Act  
10 a state agency determines that a waiver or authorization from a  
11 federal agency is necessary for implementation of that provision,  
12 the agency affected by the provision shall request the waiver or  
13 authorization and may delay implementing that provision until the  
14 waiver or authorization is granted.

15 SECTION 6. This Act takes effect September 1, 2013.