

By: Raymond

H.B. No. 3398

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the inclusion of enteral nutrition therapy providers in
3 Medicaid managed care organizations' provider networks.

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

5 SECTION 1. Section 533.006, Government Code, is amended by
6 adding Subsection (c) to read as follows:

7 (c) The commission shall require that each managed care
8 organization that contracts with the commission to provide health
9 care services to recipients in a region allow a supplier of durable
10 medical equipment and other supplies used specifically for enteral
11 nutrition therapy to participate as a provider in the managed care
12 organization's provider network if the supplier:

13 (1) agrees to comply with the financial terms and
14 conditions of the managed care organization's provider contract as
15 well as other reasonable administrative and professional terms of
16 that contract; and

17 (2) is not prohibited from participating as a Medicaid
18 provider by Section 32.047, Human Resources Code, or any other
19 provision excluding the provider based on conduct that constitutes
20 fraud, waste, or abuse.

21 SECTION 2. The Health and Human Services Commission shall,
22 in a contract between the commission and a managed care
23 organization under Chapter 533, Government Code, that is entered
24 into or renewed on or after the effective date of this Act, require

1 that the managed care organization comply with Section 533.006(c),
2 Government Code, as amended by this Act.

3 SECTION 3. If before implementing any provision of this Act
4 a state agency determines that a waiver or authorization from a
5 federal agency is necessary for implementation of that provision,
6 the agency affected by the provision shall request the waiver or
7 authorization and may delay implementing that provision until the
8 waiver or authorization is granted.

9 SECTION 4. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2013.