

By: Lavender

H.B. No. 3426

A BILL TO BE ENTITLED

AN ACT

relating to reimbursement through the Medicaid program of nonemergency services provided through hospital emergency rooms.

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

SECTION 1. Section 32.0641(a), Human Resources Code, is amended to read as follows:

(a) To the extent permitted under and in a manner that is consistent with Title XIX, Social Security Act (42 U.S.C. Section 1396 et seq.) and any other applicable law or regulation or under a federal waiver or other authorization, the executive commissioner of the Health and Human Services Commission shall adopt, after consulting with the Medicaid and CHIP Quality-Based Payment Advisory Committee established under Section 536.002, Government Code, cost-sharing provisions that encourage personal accountability and appropriate utilization of health care services[~~, including a cost-sharing provision applicable to a recipient who chooses to receive a nonemergency medical service through a hospital emergency room~~].

SECTION 2. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0643 to read as follows:

Sec. 32.0643. REIMBURSEMENT FOR NONEMERGENCY SERVICES IN EMERGENCY ROOMS PROHIBITED. (a) To the extent permitted under and in a manner that is consistent with Title XIX, Social Security Act (42 U.S.C. Section 1396 et seq.), and any other federal law, and

1 notwithstanding any other law, the executive commissioner of the
2 Health and Human Services Commission shall adopt rules to ensure
3 that the department does not provide reimbursement through the
4 Medicaid program for a nonemergency medical service provided
5 through a hospital emergency room.

6 (b) Notwithstanding Subsection (a), the department shall
7 provide reimbursement through the Medicaid program for an
8 appropriate emergency medical screening examination to the extent
9 reimbursement is required under Section 1867, Social Security Act
10 (42 U.S.C. Section 1395dd).

11 SECTION 3. If before implementing any provision of this Act
12 a state agency determines that a waiver or authorization from a
13 federal agency is necessary for implementation of that provision,
14 the agency affected by the provision shall request the waiver or
15 authorization and may delay implementing that provision until the
16 waiver or authorization is granted.

17 SECTION 4. This Act takes effect September 1, 2013.