

By: Deuell

S.B. No. 1175

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a reuse program for durable medical equipment provided to recipients under the Medicaid program.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0843 to read as follows:

Sec. 531.0843. DURABLE MEDICAL EQUIPMENT REUSE PROGRAM.

(a) The executive commissioner by rule shall establish a program to facilitate the reuse of durable medical equipment provided to recipients under the Medicaid program.

(b) The program must include provisions for ensuring reused equipment meets applicable standards of functionality and sanitation.

(c) The program does not:

(1) waive any immunity from liability of the commission or an employee of the commission; or

(2) create a cause of action against the commission or an employee of the commission arising from the provision of reused durable medical equipment under the program.

SECTION 2. Not later than September 1, 2014, the executive commissioner of the Health and Human Services Commission shall establish the program required by Section 531.0843, Government Code, as added by this Act, and adopt necessary rules to implement

1 the program.

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

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