

By: Coleman

H.B. No. 3115

A BILL TO BE ENTITLED

1 AN ACT

2 relating to coverage for certain services relating to postpartum  
3 depression under the medical assistance and CHIP perinatal  
4 programs.

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

6 SECTION 1. Chapter 62, Health and Safety Code, is amended by  
7 adding Subchapter E to read as follows:

8 SUBCHAPTER E. CHIP PERINATAL PROGRAM

9 Sec. 62.201. DEFINITION. In this subchapter, "postpartum  
10 depression" means a disorder with postpartum onset that is  
11 categorized as a mood disorder by the American Psychiatric  
12 Association in the Diagnostic and Statistical Manual of Mental  
13 Disorders, 5th Edition (DSM-5), or a subsequent edition adopted by  
14 rule by the executive commissioner of the commission.

15 Sec. 62.202. COVERAGE FOR CERTAIN SERVICES REQUIRED. (a)  
16 The covered services under the CHIP perinatal program must include,  
17 for each woman who gives birth to a child who is enrolled in the CHIP  
18 perinatal program before birth, screening and treatment for  
19 postpartum depression for the 12-month period after the date the  
20 woman gives birth to the child.

21 (b) The coverage for postpartum depression provided under  
22 Subsection (a):

23 (1) must provide mental health services to a woman  
24 regardless of whether the woman has been found to be a danger to

1 herself or others; and

2 (2) may not place an arbitrary or artificial limit on  
3 the amount of services that may be provided.

4 (c) The executive commissioner of the commission shall  
5 adopt rules necessary to implement this section.

6 SECTION 2. Subchapter B, Chapter 32, Human Resources Code,  
7 is amended by adding Section 32.0249 to read as follows:

8 Sec. 32.0249. SERVICES RELATED TO POSTPARTUM DEPRESSION.

9 (a) For purposes of this section, "postpartum depression" means a  
10 disorder with postpartum onset that is categorized as a mood  
11 disorder by the American Psychiatric Association in the Diagnostic  
12 and Statistical Manual of Mental Disorders, 5th Edition (DSM-5), or  
13 a subsequent edition adopted by rule by the executive commissioner  
14 of the Health and Human Services Commission.

15 (b) The department shall provide to a woman who receives  
16 medical assistance benefits during a pregnancy screening and  
17 treatment for postpartum depression for the 12-month period after  
18 the date the woman gives birth.

19 (c) The department shall provide mental health services to a  
20 woman under Subsection (b) regardless of whether the woman has been  
21 found to be a danger to herself or others.

22 (d) The department may not place an arbitrary or artificial  
23 limit on the amount of services that may be provided under  
24 Subsection (b).

25 (e) The executive commissioner of the Health and Human  
26 Services Commission shall adopt rules necessary to implement this  
27 section.

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

7           SECTION 4. This Act takes effect September 1, 2015.