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H.B. No. 3672

A BILL TO BE ENTITLED

AN ACT

relating to expedited credentialing for certain licensed clinical social workers under the Medicaid managed care program.

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

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

SUBCHAPTER G. EXPEDITED CREDENTIALING PROCESS

FOR CERTAIN LICENSED CLINICAL SOCIAL WORKERS

Sec. 533.121. DEFINITIONS. In this subchapter:

(1) "Applicant licensed clinical social worker" means a licensed clinical social worker applying for expedited credentialing under this subchapter.

(2) "Licensed clinical social worker" means an individual licensed by the Texas State Board of Social Worker Examiners as a licensed clinical social worker.

(3) "Social work medical group" means:

(A) a single legal entity owned by two or more licensed clinical social workers;

(B) a professional association composed of licensed clinical social workers; or

(C) any other entity composed of licensed clinical social workers.

Sec. 533.122. APPLICABILITY. This subchapter applies only to a licensed clinical social worker who joins an established

1 social work medical group that has a current contract in force with
2 a managed care organization.

3 Sec. 533.123. ELIGIBILITY REQUIREMENTS. To qualify for
4 expedited credentialing under this subchapter and payment under
5 Section 533.124, an applicant licensed clinical social worker must:

6 (1) be licensed in this state by, and in good standing
7 with, the Texas State Board of Social Worker Examiners;

8 (2) submit all necessary documentation and other
9 information required by the managed care organization to enable the
10 organization to begin the credentialing process required by the
11 organization to include a licensed clinical social worker as a
12 provider under the organization's provider network; and

13 (3) agree to comply with the terms of the managed care
14 organization's participating provider contract currently in force
15 with the applicant licensed clinical social worker's established
16 social work medical group.

17 Sec. 533.124. PAYMENT OF APPLICANT LICENSED CLINICAL SOCIAL
18 WORKER DURING CREDENTIALING PROCESS. On submission by the
19 applicant licensed clinical social worker of the information
20 required by the managed care organization under Section 533.123(2),
21 and for payment purposes only, the organization shall treat the
22 applicant licensed clinical social worker as if the licensed
23 clinical social worker were a participating provider in the
24 organization's provider network when the applicant licensed
25 clinical social worker provides services to recipients under the
26 managed care plan, including:

27 (1) authorizing the applicant licensed clinical

1 social worker to collect copayments from the recipients; and

2 (2) making payments to the applicant licensed clinical
3 social worker.

4 Sec. 533.125. DIRECTORY ENTRIES. Pending the approval of
5 an application submitted under Section 533.124, the managed care
6 plan may exclude the applicant licensed clinical social worker from
7 the managed care plan's directory of participating licensed
8 clinical social workers, the managed care plan's website listing of
9 participating licensed clinical social workers, or any other
10 listing of participating licensed clinical social workers.

11 Sec. 533.126. EFFECT OF FAILURE TO MEET CREDENTIALING
12 REQUIREMENTS. If, on completion of the credentialing process, the
13 managed care organization determines that the applicant licensed
14 clinical social worker does not meet the organization's
15 credentialing requirements:

16 (1) the managed care organization may recover from the
17 applicant licensed clinical social worker or the licensed clinical
18 social worker's social work medical group an amount equal to the
19 difference between payments for in-network benefits and
20 out-of-network benefits; and

21 (2) the applicant licensed clinical social worker or
22 the licensed clinical social worker's social work medical group may
23 retain any copayments collected or in the process of being
24 collected as of the date of the organization's determination.

25 Sec. 533.127. RECIPIENT HELD HARMLESS. A recipient under a
26 managed care plan is not responsible and shall be held harmless for
27 any portion of the licensed clinical social worker's fee that is not

1 paid or reimbursed by the recipient's managed care plan other than
2 any cost-sharing requirement imposed under the plan.

3 Sec. 533.128. LIMITATION ON MANAGED CARE ORGANIZATION
4 LIABILITY. A managed care organization that complies with this
5 subchapter is not subject to liability for damages arising out of or
6 in connection with, directly or indirectly, the payment by the
7 organization of an applicant licensed clinical social worker as if
8 the licensed clinical social worker were a participating provider
9 in the organization's provider network.

10 SECTION 2. The change in law made by this Act applies only
11 to credentialing of a licensed clinical social worker under a
12 contract entered into or renewed by a medical group and an issuer of
13 a Medicaid managed care plan on or after the effective date of this
14 Act. A contract entered into or renewed before the effective date
15 of this Act is governed by the law in effect immediately before that
16 date, and that law is continued in effect for that purpose.

17 SECTION 3. If before implementing any provision of this Act
18 a state agency determines that a waiver or authorization from a
19 federal agency is necessary for implementation of that provision,
20 the agency affected by the provision shall request the waiver or
21 authorization and may delay implementing that provision until the
22 waiver or authorization is granted.

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