

By: Garcia

S.B. No. 1475

A BILL TO BE ENTITLED

AN ACT

relating to establishing an enhanced Medicaid managed care consumer support system.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02132 to read as follows:

Sec. 531.02132. MEDICAID MANAGED CARE CONSUMER SUPPORT SYSTEM. (a) In this section, "enhanced system" means the Medicaid managed care consumer support system established by this section.

(b) The commission shall develop and establish an enhanced Medicaid managed care consumer support system consisting of a connected network of Medicaid managed care consumer support staff that is organized for the purpose of:

(1) educating Medicaid managed care recipients regarding:

(A) the concept of managed care;

(B) their rights under the Medicaid program, including grievance and appeal procedures; and

(C) how to advocate for themselves; and

(2) ultimately reducing the need for the internal appeals process of managed care organizations under the Medicaid program and for the Medicaid fair hearing process.

(c) The enhanced system must be designed to:

(1) be fully integrated with:

1           (A) the unit of the commission's office of the  
2 ombudsman responsible for providing the Medicaid Managed Care  
3 Helpline; and

4           (B) the office of the state long-term care  
5 ombudsman established under Chapter 101, Human Resources Code;

6           (2) include specialized capacity to meet the needs of  
7 all current and future Medicaid managed care recipients, including  
8 children receiving dental benefits and other recipients receiving  
9 benefits, under the:

10           (A) STAR Medicaid managed care program;

11           (B) STAR + PLUS Medicaid managed care program,  
12 including the Texas Dual Eligibles Integrated Care Demonstration  
13 Project provided under that program;

14           (C) STAR Kids managed care program established  
15 under Section [533.00253](#);

16           (D) STAR Health program; and

17           (E) child health plan established under Chapter  
18 62, Health and Safety Code;

19           (3) include adequate staffing to support timely access  
20 to the enhanced system by all Medicaid managed care recipients in  
21 this state;

22           (4) ensure that the enhanced system staff:

23           (A) receives sufficient training, including  
24 training in the Medicare program for the purpose of assisting  
25 recipients who are dually eligible for Medicare and Medicaid, and  
26 has sufficient authority to resolve barriers experienced by  
27 recipients to health care and long-term services and supports;

1           (B) has the capacity to actively refer recipients  
2 to community-based organizations that can assist the recipients  
3 with the appeals process, including preparation for appeals and  
4 representation, as needed, whether the appeal is an internal  
5 appeal provided by a managed care organization or an appeal under  
6 the Medicaid fair hearing process;

7           (C) is locally accessible through satellite  
8 offices in a network of regional hub sites with at least one office  
9 in each Medicaid managed care service area, patterned after similar  
10 satellite offices operated by:

11           (i) the following partners in the Health  
12 Information, Counseling, and Advocacy Program:

13                   (a) area agencies on aging; and

14                   (b) aging and disability resource  
15 centers established under the Aging and Disability Resource Center  
16 initiative funded in part by the federal Administration on Aging  
17 and the Centers for Medicare and Medicaid Services; and

18           (ii) the office of the state long-term care  
19 ombudsman; and

20           (D) has ready access to the upper management of  
21 the commission and managed care organizations participating in the  
22 Medicaid program that will enable staff to promptly identify and  
23 resolve both recipient-specific and systemic issues; and

24           (5) include an advisory interface with nonprofit,  
25 community-based organizations that routinely assist recipients in  
26 resolving Medicaid managed care issues, for purposes of timely  
27 identifying recurring, systemic issues.

1       (d) Enhanced system staff may include the employees of  
2 appropriate health and human services agencies and the staff of  
3 appropriate community partners under contract with the state.

4       (e) The commission's office of the ombudsman, or other  
5 division of the commission in which the enhanced system is  
6 established, must be:

7           (1) sufficiently independent from other aspects of the  
8 Medicaid managed care system and have no financial interest in the  
9 outcome of recipient grievances; and

10           (2) empowered to represent the best interests of  
11 recipients in problem resolution.

12       (f) The enhanced system staff shall collect and maintain  
13 statistical information on a Medicaid managed care service area  
14 basis and publish quarterly reports that:

15           (1) track the incidence of complaints and barriers  
16 identified by the enhanced system;

17           (2) identify trends and recurring barriers in delivery  
18 and access to Medicaid managed care in this state; and

19           (3) identify other problems occurring in the Medicaid  
20 managed care system.

21       SECTION 2. Not later than January 1, 2016, the Health and  
22 Human Services Commission shall establish the Medicaid managed care  
23 consumer support system required under Section 531.02132,  
24 Government Code, as added by this Act.

25       SECTION 3. If before implementing any provision of this Act  
26 a state agency determines that a waiver or authorization from a  
27 federal agency is necessary for implementation of that provision,

1 the agency affected by the provision shall request the waiver or  
2 authorization and may delay implementing that provision until the  
3 waiver or authorization is granted.

4 SECTION 4. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2015.