

By: Rodríguez

S.B. No. 44

A BILL TO BE ENTITLED

AN ACT

1
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.

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 shall adopt rules necessary
5 to implement this section.

6 SECTION 2. Section 32.024, Human Resources Code, is amended
7 by adding Subsection (1-1) to read as follows:

8 (1-1) The commission shall continue to provide medical
9 assistance to a woman who is eligible for medical assistance for
10 pregnant women for a period of not less than 12 months following the
11 date the woman gives birth.

12 SECTION 3. Subchapter B, Chapter 32, Human Resources Code,
13 is amended by adding Section 32.02491 to read as follows:

14 Sec. 32.02491. SERVICES RELATED TO POSTPARTUM DEPRESSION.

15 (a) For purposes of this section, "postpartum depression" means a
16 disorder with postpartum onset that is categorized as a mood
17 disorder by the American Psychiatric Association in the Diagnostic
18 and Statistical Manual of Mental Disorders, 5th Edition (DSM-5), or
19 a subsequent edition adopted by rule by the executive commissioner.

20 (b) The commission shall provide to a woman who receives
21 medical assistance benefits during a pregnancy screening and
22 treatment for postpartum depression for the 12-month period after
23 the date the woman gives birth.

24 (c) The commission shall provide mental health services to a
25 woman under Subsection (b) regardless of whether the woman has been
26 found to be a danger to herself or others.

27 (d) The commission may not place an arbitrary or artificial

1 limit on the amount of services that may be provided under
2 Subsection (b).

3 (e) The executive commissioner shall adopt rules necessary
4 to implement this section.

5 SECTION 4. As soon as practicable after the effective date
6 of this Act, the executive commissioner of the Health and Human
7 Services Commission shall develop and seek a waiver or other
8 appropriate authorization from the Centers for Medicare and
9 Medicaid Services to extend the number of postpartum visits a woman
10 may receive under the CHIP perinatal program in order to implement
11 Section 62.202, Health and Safety Code, as added by this Act.

12 SECTION 5. If before implementing any provision of this Act
13 a state agency determines that an additional waiver or additional
14 authorization from a federal agency is necessary for implementation
15 of that provision, the agency affected by the provision shall
16 request the waiver or authorization and may delay implementing that
17 provision until the waiver or authorization is granted.

18 SECTION 6. This Act takes effect December 1, 2017.