

## **BILL ANALYSIS**

Senate Research Center  
86R17695 JES-D

H.B. 706  
By: Bernal; Ortega (Lucio)  
Health & Human Services  
5/12/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2012, Texas Medicaid adopted a value-based model and many providers report continuously changing reimbursement rates and, at times, delayed reimbursement or non-payment from managed care organizations (MCOs). Due to the challenges faced by providers, audiologists across Texas report providers of amplification intervention services are no longer accepting Medicaid patients or pulling out of the program altogether. According to a 2014 Audiology/Hearing Aid Work Group survey, audiologists accepting Medicaid and serving children dropped by 92 percent.

Due to a growing number of providers who no longer fit or dispense hearing aids because of low reimbursements or non-payment for services, the system has acutely impacted vulnerable infants and children with hearing impairments whose families spend months searching for providers. For children in the Texas education system who are deaf or hard-of-hearing, access to audiology services is more than vital to their learning experience. Without proper support, these students cannot adequately participate in and access their educational space.

H.B. 706 seeks to expand eligibility of the school and health-related services program's (SHARS) audiology services to include students who have plans under Section 504 of the Rehabilitation Act of 1973. This will allow students who need these services to have access to them in our campuses and maintain our deaf and hard of hearing students' right to a free and appropriate public education.

H.B. 706 amends current law relating to the eligibility of certain children who are deaf or hard of hearing for audiology services under the school health and related services program.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 38.033, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 38, Education Code, by adding Section 38.033, as follows:

Sec. 38.033. SCHOOL HEALTH AND RELATED SERVICES PROGRAM; ELIGIBILITY FOR AUDIOLOGY SERVICES. (a) Provides that a child is eligible to receive audiology services provided under the school health and related services program if the child:

- (1) is 20 years of age or younger;
- (2) has a disability or chronic medical condition;
- (3) is eligible for Medicaid benefits; and
- (4) has been prescribed the services under:

(A) an individualized education program created under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); or

(B) a plan created under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

(b) Requires the Health and Human Services Commission (HHSC) to provide reimbursement to a provider under the school health and related services program for audiology services provided to a child who is eligible for the services under Subsection (a).

(c) Requires the executive commissioner of HHSC, in consultation with the Texas Education Agency, to adopt rules necessary to implement this section.

SECTION 2. Requires a state agency affected by a provision of this Act to request a waiver or authorization from a federal agency if the state agency determines that such waiver or authorization is necessary for implementation of the provision, and authorizes the agency to delay implementation until the waiver or authorization is granted.

SECTION 3. Effective date: September 1, 2019.