86R1341 KKR-D

By:  Hinojosa H.B. No. 30

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of unused long-acting reversible contraceptive products under Medicaid and the Healthy Texas Women program.

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

SECTION 1.  Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0742 to read as follows:

Sec. 531.0742.  TRANSFER OF UNUSED LONG-ACTING REVERSIBLE CONTRACEPTIVE PRODUCT. (a) In this section:

(1)  "Healthy Texas Women program" means a program operated by the commission that is substantially similar to the demonstration project operated under former Section 32.0248, Human Resources Code, and that is intended to expand access to preventive health and family planning services for women in this state.

(2)  "Long-acting reversible contraceptive product" means a method of birth control that provides effective contraception for an extended period without requiring user action. The term includes an injection, intrauterine device, and subdermal contraceptive implant.

(b)  In accordance with commission rules, a health care provider under Medicaid or the Healthy Texas Women program may transfer to a Medicaid or Healthy Texas Women program recipient a long-acting reversible contraceptive product prescribed by the provider to another recipient if:

(1)  the long-acting reversible contraceptive product:

(A)  was not delivered to or used by the recipient to whom the contraceptive product was initially prescribed;

(B)  is contained in the contraceptive product's original packaging and that packaging is unopened; and

(C)  is prescribed to and is medically appropriate and not contraindicated for the recipient to whom the contraceptive product is being transferred; and

(2)  at the time of the transfer:

(A)  the contraceptive product has been in the health care provider's possession for at least 12 weeks following the date of the original prescription for the product; or

(B)  the health care provider has written confirmation that the recipient to whom the contraceptive product was initially prescribed no longer wishes to receive or use the product.

SECTION 2.  Not later than March 31, 2020, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement Section 531.0742, Government Code, as added by this Act.

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

SECTION 4.  This Act takes effect September 1, 2019.