S.B. No. 747

AN ACT

relating to the administration of the newborn screening program.

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

SECTION 1.  Section 33.004(f), Health and Safety Code, is amended to read as follows:

(f)  The executive commissioner by rule shall [~~may~~] establish the amounts charged for newborn screening fees, including fees assessed for follow-up services, tracking confirmatory testing, and diagnosis. In adopting rules under this subsection, the executive commissioner shall ensure that amounts charged for newborn screening fees are sufficient to cover the costs of performing the screening.

SECTION 2.  Subchapter B, Chapter 33, Health and Safety Code, is amended by adding Section 33.019 to read as follows:

Sec. 33.019.  NOTICE OF COST AND CLAIM PROCESS. (a)  The department shall publish on its Internet website the cost of and instructions on the full claim and reimbursement process for a newborn screening test kit to be used to comply with the test requirements of Section 33.011.

(b)  The department may change the cost published under Subsection (a) not later than the 90th day before the date the department publishes notice of the change on its Internet website. If the department changes the cost under this subsection, the department shall retain a record of the previous cost until the first anniversary of the date of the change.

SECTION 3.  Chapter 33, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. NEWBORN SCREENING PRESERVATION ACCOUNT

Sec. 33.051.  DEFINITION. In this subchapter, "account" means the newborn screening preservation account established under Section 33.052.

Sec. 33.052.  CREATION OF ACCOUNT. (a)  The newborn screening preservation account is a dedicated account in the general revenue fund. Money in the account may be appropriated only to the department and only for the purpose of carrying out the newborn screening program established under this chapter.

(b)  On November 1 of each year, the comptroller shall transfer to the account any unexpended and unencumbered money from Medicaid reimbursements collected by the department for newborn screening services during the preceding state fiscal year.

(c)  The account is composed of:

(1)  money transferred to the account under Subsection (b);

(2)  gifts, grants, donations, and legislative appropriations; and

(3)  interest earned on the investment of money in the account.

(d)  Section 403.0956, Government Code, does not apply to the account.

(e)  The department administers the account. The department may solicit and receive gifts, grants, and donations from any source for the benefit of the account.

Sec. 33.053.  DEDICATED USE. (a)  The department may use any money remaining in the account after paying the costs of operating the newborn screening program established under this chapter only to:

(1)  pay the costs of offering additional newborn screening tests not offered under this chapter before September 1, 2019, including the operational costs incurred during the first year of implementing the additional tests; and

(2)  pay for capital assets, equipment, and renovations for the laboratory established by the department to ensure the continuous operation of the newborn screening program.

(b)  The department may not use money from the account for the department's general operating expenses.

Sec. 33.054.  REPORT. If the department requires an additional newborn screening test under Subchapter B the costs of which are funded with money appropriated from the newborn screening preservation account, the department shall, not later than September 1 of each even-numbered year, prepare and submit to the governor, the lieutenant governor, the speaker of the house of representatives, and each standing committee of the legislature having primary jurisdiction over the department a written report that:

(1)  summarizes the implementation plan for the test, including anticipated completion dates for implementing the test and potential barriers to conducting the test; and

(2)  summarizes the actions taken by the department to fund and implement the test during the preceding two years.

SECTION 4.  Section 1271.154, Insurance Code, is amended to read as follows:

Sec. 1271.154.  WELL-CHILD CARE FROM BIRTH. (a)  In this section, "well-child care from birth" has the meaning used under Section 1302, Public Health Service Act (42 U.S.C. Section 300e-1), and its subsequent amendments. The term includes administration of newborn screening required by the [~~Texas~~] Department of State Health Services and the cost of the newborn screening test kit described by Section 33.019, Health and Safety Code.

(b)  A health maintenance organization shall ensure that each health care plan provided by the health maintenance organization includes well-child care from birth that complies with:

(1)  federal requirements adopted under Chapter XI, Public Health Service Act (42 U.S.C. Section 300e et seq.), and its subsequent amendments; and

(2)  the rules adopted by the executive commissioner [~~Texas Department~~] of the Health and Human Services Commission to implement those requirements, including rules on the cost of the newborn screening test kit described by Section 33.019, Health and Safety Code.

SECTION 5.  Section 1367.003, Insurance Code, is amended to read as follows:

Sec. 1367.003.  CERTAIN LIMITATIONS ON COVERAGE FOR NEWBORN CHILDREN PROHIBITED. A health benefit plan that provides maternity benefits or accident and health coverage for additional newborn children may not be issued in this state if the plan excludes or limits:

(1)  initial coverage of a newborn child for a period of time; [~~or~~]

(2)  coverage for congenital defects of a newborn child; or

(3)  coverage for administration of the newborn screening tests required by Section 33.011, Health and Safety Code, including for the cost of a newborn screening test kit in the amount provided by the Department of State Health Services on its Internet website under Section 33.019 of that code on the date the test was administered.

SECTION 6.  As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement this Act.

SECTION 7.  Notwithstanding Section 33.054, Health and Safety Code, as added by this Act, the Department of State Health Services shall submit the first report required by that section not later than December 1, 2019.

SECTION 8.  Section 33.019, Health and Safety Code, as added by this Act, and Sections 1271.154 and 1367.003, Insurance Code, as amended by this Act, apply only to a health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2020. A health benefit plan delivered, issued for delivery, or renewed before January 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 9.  This Act takes effect September 1, 2019.

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I hereby certify that S.B. No. 747 passed the Senate on April 11, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 23, 2019, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 747 passed the House, with amendments, on May 14, 2019, by the following vote: Yeas 139, Nays 0, two present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_             Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor