

By: Davis of Harris, Harless, Price, Zerwas,
et al.

H.B. No. 12

Substitute the following for H.B. No. 12:

By: Miller

C.S.H.B. No. 12

A BILL TO BE ENTITLED

AN ACT

relating to early childhood intervention services.

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

SECTION 1. Section 73.009(a), Human Resources Code, is amended to read as follows:

(a) The commission [~~department~~] shall develop and the executive commissioner shall establish policies concerning services described by this section. A child under three years of age and the child's parent, guardian, or other legally authorized representative [~~family~~] may be referred for services described by this section if the child is:

- (1) identified as having a developmental delay;
- (2) suspected of having a developmental delay; or
- (3) considered at risk of developmental delay.

SECTION 2. Chapter 73, Human Resources Code, is amended by adding Sections 73.0111 and 73.012 to read as follows:

Sec. 73.0111. PROVIDER OMBUDSMAN. (a) In this section, "ombudsman" means the individual designated as the ombudsman for providers of services authorized under this chapter.

(b) The executive commissioner shall designate an ombudsman for providers of services authorized under this chapter.

(c) The ombudsman's office is administratively attached to the office of the ombudsman of the commission.

(d) The commission may use an alternate title for the

1 ombudsman in provider-directed materials if the commission
2 determines that the alternate title would benefit providers'
3 understanding of or access to ombudsman services.

4 (e) The ombudsman serves as a neutral party to assist
5 providers of services authorized under this chapter in resolving
6 issues related to providing early childhood intervention services
7 under this chapter, including through the STAR Kids managed care
8 program.

9 (f) The ombudsman shall:

10 (1) provide dispute and complaint resolution
11 services;

12 (2) perform provider protection and advocacy
13 functions;

14 (3) collect inquiry and complaint data; and

15 (4) at least annually, submit a report to the
16 commission relating to the inquiry and complaint data collected
17 under Subdivision (3) and make recommendations to the commission on
18 how to improve the provision of early childhood intervention
19 services under this chapter.

20 (g) The executive commissioner by rule shall adopt and
21 ensure the use of procedures for the reporting, monitoring, and
22 resolution of disputes and complaints described by Subsection (f)
23 that are consistent with the procedures adopted and used under
24 Medicaid.

25 Sec. 73.012. GUIDANCE ON REIMBURSEMENT METHODOLOGY FOR CASE
26 MANAGEMENT SERVICES. (a) The executive commissioner shall request
27 clear direction and guidance from the federal Centers for Medicare

and Medicaid Services on the reimbursement methodology that may be used for the provision of case management services under this chapter, including direction on allowable and unallowable costs.

(b) This section expires September 1, 2021.

SECTION 3. Subtitle B, Title 3, Human Resources Code, is amended by adding Chapter 74 to read as follows:

CHAPTER 74. TELE-CONNECTIVE PILOT PROGRAM

Sec. 74.0001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Education service center region" means a geographic region served by a regional education service center under Chapter 8, Education Code.

(3) "Eligible child" means a child who is eligible for early childhood intervention services under Chapter 73.

(4) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(5) "Tele-connective pilot program" means the program developed and implemented under Section 74.0002.

(6) "Telehealth service" and "telemedicine medical service" have the meanings assigned by Section 111.001, Occupations Code.

Sec. 74.0002. TELE-CONNECTIVE PILOT PROGRAM. (a) The commission shall develop and implement a pilot program to provide early childhood intervention services under Chapter 73 to eligible children through the provision of telehealth and telemedicine medical services delivered using access points established in one

or more education service center regions selected for
implementation of the program. Access points may be established:

(1) at schools, regional education service centers,
and other entities located in an education service center region in
which the program is implemented;

(2) in home-based settings; and

(3) through other modes the commission determines
appropriate.

(b) In developing and implementing the tele-connective
pilot program, the commission shall ensure the program aligns with
the provision of existing telehealth and telemedicine medical
services.

Sec. 74.0003. EDUCATION SERVICE CENTER REGION SELECTION.
The commission in cooperation with the Texas Education Agency shall
select the education service center regions in which to implement
the tele-connective pilot program. In determining the regions in
which to implement the program, the commission and the Texas
Education Agency shall:

(1) consider each region in which there is:

(A) a low or inadequate number of service
providers authorized under Chapter 73; or

(B) a significant risk of losing service
providers authorized under Chapter 73; and

(2) implement the program only in regions in which the
implementation is reasonable and feasible.

Sec. 74.0004. PROVIDER PARTICIPATION. (a) The commission
shall ensure that all providers of services under Chapter 73,

1 including school districts, are allowed to participate as providers
2 in the tele-connective pilot program and provide services both
3 inside and outside a school-based setting.

4 (b) The commission shall track the service hours of
5 providers participating in the tele-connective pilot program.

6 Sec. 74.0005. ADEQUATE NETWORK OF ACCESS POINTS. (a) The
7 commission, in consultation with the Texas Education Agency, shall:

8 (1) establish any school-based provider access points
9 under the tele-connective pilot program; and

10 (2) ensure that an adequate number of school-based and
11 non-school-based access points are established in education
12 service center regions participating in the program.

13 (b) When selecting access points in which to implement the
14 tele-connective pilot program, the commission and the Texas
15 Education Agency shall consider the availability of existing
16 infrastructure.

17 Sec. 74.0006. AUTOMATIC AND VOLUNTARY PARTICIPATION OF
18 CERTAIN ELIGIBLE CHILDREN. (a) Subject to Subsection (b), the
19 executive commissioner shall, after receiving recommendations from
20 the advisory committee established under Section 73.004, by rule
21 establish which eligible children will be automatically enrolled in
22 the tele-connective pilot program.

23 (b) The parent, guardian, or other legally authorized
24 representative of an eligible child may, at any time, elect to opt
25 the child out of the tele-connective pilot program.

26 (c) A child who is enrolled in the tele-connective pilot
27 program may receive early childhood intervention services through

1 the program only to the extent the services are available and
2 suitable. Enrollment in the tele-connective pilot program does not
3 prevent a child from receiving early childhood intervention
4 services in the child's home or other natural environment.

5 Sec. 74.0007. SCHOOL DISTRICT EMPLOYEE TRAINING. The Texas
6 Education Agency shall develop a training course on the
7 tele-connective pilot program to be given to appropriate school
8 district employees.

9 Sec. 74.0008. INITIAL SCREENING AND EVALUATION. (a) The
10 parent, guardian, or other legally authorized representative of an
11 eligible child must be:

12 (1) present during an initial screening or evaluation
13 under the tele-connective pilot program; and

14 (2) given the opportunity to opt the child out of the
15 tele-connective pilot program at the time of the child's initial
16 screening or evaluation.

17 (b) Notwithstanding any other law, after a child is enrolled
18 in the tele-connective pilot program, early childhood intervention
19 services, including any initial treatment or prescription, that are
20 delivered or issued by a physician or by a health care provider
21 acting under the delegation or supervision of the physician or
22 under the health care provider's license may be provided using
23 telecommunications or other information technology.

24 Sec. 74.0009. PROVIDER REIMBURSEMENT. The executive
25 commissioner in adopting rules governing the tele-connective pilot
26 program shall ensure that provider reimbursement for a telehealth
27 or telemedicine medical service is made at a rate that is comparable

1 to the rate paid under Medicaid for the provision of the same or
2 substantially similar services.

3 Sec. 74.0010. CONFIDENTIALITY OF INFORMATION. The
4 commission shall ensure that the tele-connective pilot program
5 complies with federal and state law regarding confidentiality of
6 medical information, including the Health Insurance Portability
7 and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and
8 the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
9 Section 1232g).

10 Sec. 74.0011. ACCESS POINT EVALUATION. Not later than
11 September 1, 2020, the commission shall conduct an evaluation of
12 the tele-connective pilot program to ensure that an adequate number
13 of access points have been established in each education service
14 center region selected for implementation of the program. This
15 section expires January 1, 2021.

16 Sec. 74.0012. REPORT. Not later than January 1, 2021, the
17 commission shall submit an initial report to the governor, the
18 lieutenant governor, the speaker of the house of representatives,
19 and the presiding officers of the standing committees of the senate
20 and house of representatives having primary jurisdiction over the
21 early childhood intervention program authorized by Chapter 73. The
22 report must evaluate the operation of the tele-connective pilot
23 program and make recommendations regarding the continuation or
24 expansion of the program.

25 Sec. 74.0013. FUNDING. The commission shall actively seek
26 and apply for any available federal money to support the
27 tele-connective pilot program, including federal money made

available by the:

(1) Federal Communications Commission, including money available under the federal Rural Health Care Program;

(2) United States Health Resources and Services Administration's Office for the Advancement of Telehealth; and

(3) United States Department of Agriculture, including the Distance Learning and Telemedicine Grant Program established under 7 C.F.R. Part 1734.

Sec. 74.0014. EXPIRATION. This chapter expires September 1, 2023.

SECTION 4. Subchapter A, Chapter 302, Labor Code, is amended by adding Section 302.0061 to read as follows:

Sec. 302.0061. WORKFORCE DEVELOPMENT GRANTS FOR PROVIDERS UNDER EARLY CHILDHOOD INTERVENTION PROGRAM. (a) In this section, "early childhood intervention program" means the program established under Chapter 73, Human Resources Code, to provide early childhood intervention services in accordance with Part C, Individuals with Disabilities Education Act (IDEA)(20 U.S.C. Section 1431 et seq.).

(b) The commission shall actively seek and apply for federal funding to establish a program designed to provide workforce development grants to providers participating in the early childhood intervention program for purposes of improving the provision of program services by offering providers appropriate education and training.

SECTION 5. (a) The Health and Human Services Commission shall request guidance from the federal Centers for Medicare and

1 Medicaid Services or other appropriate federal agency regarding the
2 feasibility of receiving a waiver or other authorization necessary
3 to provide through Medicaid early childhood intervention services
4 to children who are eligible to receive those services under
5 Chapter 73, Human Resources Code, as amended by this Act, but who
6 are not eligible for Medicaid and do not have private health
7 benefits coverage.

8 (b) As soon as practicable after receiving guidance under
9 Subsection (a) of this section, the Health and Human Services
10 Commission shall prepare a report on how best to provide to children
11 the coverage described by that subsection. The commission shall
12 submit the report to the governor, the lieutenant governor, the
13 speaker of the house of representatives, and the presiding officers
14 of the standing committees of the senate and house of
15 representatives having primary jurisdiction over the early
16 childhood intervention program authorized by Chapter 73, Human
17 Resources Code, as amended by this Act.

18 SECTION 6. (a) As soon as practicable after the effective
19 date of this Act, the Health and Human Services Commission, after
20 consulting with the Texas Education Agency, other appropriate state
21 agencies, and the advisory committee established under Section
22 73.004, Human Resources Code, shall conduct a financial evaluation
23 of the early childhood intervention services provided under Chapter
24 73, Human Resources Code, as amended by this Act, and report on that
25 evaluation. The report must quantify the amount by which providing
26 early childhood intervention services in this state affects other
27 budget strategies, including the budget strategies of school

1 districts, regional education service centers, and other affected
2 governmental entities.

3 (b) Not later than September 1, 2020, the Health and Human
4 Services Commission shall submit the report prepared under
5 Subsection (a) of this section to the governor, the lieutenant
6 governor, the speaker of the house of representatives, and the
7 presiding officers of the standing committees of the senate and
8 house of representatives having primary jurisdiction over the early
9 childhood intervention program authorized by Chapter 73, Human
10 Resources Code, as amended by this Act.

11 SECTION 7. Not later than December 1, 2019, the Health and
12 Human Services Commission shall issue guidance to health benefit
13 plan issuers clarifying that providers of early childhood
14 intervention services under Chapter 73, Human Resources Code, as
15 amended by this Act, must file claims using the national provider
16 identifier number and Texas provider identifier number.

17 SECTION 8. As soon as practicable after the effective date
18 of this Act, but not later than January 1, 2020, the Health and
19 Human Services Commission shall develop and implement the
20 tele-connective pilot program required by Chapter 74, Human
21 Resources Code, as added by this Act.

22 SECTION 9. If before implementing any provision of this Act
23 a state agency determines that a waiver or authorization from a
24 federal agency is necessary for implementation of that provision,
25 the agency affected by the provision shall request the waiver or
26 authorization and may delay implementing that provision until the
27 waiver or authorization is granted.

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1 SECTION 10. This Act takes effect September 1, 2019.