

By: Hinojosa

H.B. No. 30

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the transfer of unused long-acting reversible
3 contraceptive products under Medicaid and the Healthy Texas Women
4 program.

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

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

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

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

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

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

1 (1) the long-acting reversible contraceptive product:

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

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

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

9 (2) at the time of the transfer:

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

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

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

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

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