

By: Miller

H.B. No. 2368

Substitute the following for H.B. No. 2368:

By: Frank

C.S.H.B. No. 2368

A BILL TO BE ENTITLED

AN ACT

1
2 relating to access to and the provision of behavioral and mental
3 health care services and trauma-informed care in the Medicaid
4 managed care program.

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

6 SECTION 1. Sections 533.0051(a) and (d), Government Code,
7 are amended to read as follows:

8 (a) The commission shall establish outcome-based
9 performance measures and incentives to include in each contract
10 between a health maintenance organization and the commission for
11 the provision of health care services, including behavioral and
12 mental health care services, to recipients that is procured and
13 managed under a value-based purchasing model. The performance
14 measures and incentives must:

15 (1) be designed to facilitate and increase recipients'
16 access to appropriate health care services, including behavioral
17 and mental health care services; ~~and~~

18 (2) to the extent possible, align with other state and
19 regional quality care improvement initiatives; and

20 (3) for contracts for the provision of behavioral and
21 mental health care services to recipients under the STAR Health
22 program, be designed to facilitate and increase recipients' access
23 to trauma-informed care.

24 (d) Subject to Subsection (f), the commission shall assess

1 the feasibility and cost-effectiveness of including provisions in a
2 contract described by Subsection (a) that require the health
3 maintenance organization to provide to the providers in the
4 organization's provider network pay-for-performance opportunities
5 that support quality improvements in the care of recipients.
6 Pay-for-performance opportunities may include incentives for
7 providers to provide care after normal business hours and to
8 participate in the early and periodic screening, diagnosis, and
9 treatment program and other activities that improve recipients'
10 access to care, including trauma-informed care and behavioral and
11 mental health care services. If the commission determines that the
12 provisions are feasible and may be cost-effective, the commission
13 shall develop and implement a pilot program in at least one health
14 care service region under which the commission will include the
15 provisions in contracts with health maintenance organizations
16 offering managed care plans in the region.

17 SECTION 2. Section 533.0052, Government Code, is amended by
18 amending Subsection (a) and adding Subsections (c), (d), and (e) to
19 read as follows:

20 (a) A contract between a managed care organization and the
21 commission for the organization to provide health care services,
22 including behavioral and mental health care services, to recipients
23 under the STAR Health program must include a requirement that
24 ~~[trauma-informed care training be offered to]~~ each contracted
25 physician or provider who diagnoses or provides treatment for a
26 behavioral or mental health condition or prescribes psychotropic
27 medication receive training regarding the impact of trauma on

1 children and trauma-informed care.

2 (c) The commission shall determine the appropriate
3 information to include in the training required by Subsection (a).

4 The training must include information regarding:

5 (1) the effects of trauma, toxic stress, and adverse
6 childhood experiences on a child's:

7 (A) brain development; and

8 (B) cognitive, emotional, psychological,
9 physical, and behavioral functioning;

10 (2) trauma screening and accessing a child's trauma
11 history;

12 (3) the management of traumatic memories and
13 trauma-related symptoms;

14 (4) the overlap between symptoms of trauma and
15 symptoms of mental health disorders, including
16 attention-deficit/hyperactivity disorder, bipolar disorder, and
17 oppositional defiant disorder;

18 (5) the potential risks of using psychotropic
19 medication for children who have experienced trauma;

20 (6) the availability of research-supported or
21 evidence-based, trauma-informed, non-pharmacological
22 interventions;

23 (7) appropriate coding and billing procedures for
24 reimbursement of trauma-informed care, treatments, and services;
25 and

26 (8) the impact of trauma on children with an
27 intellectual or developmental disability.

1 (d) The commission shall make at least one opportunity to
2 receive the training required by Subsection (a) available at no
3 cost to each physician or provider described by Subsection (a) with
4 whom a contract is entered into or renewed.

5 (e) The commission may establish performance measures and
6 incentives described by Section 533.0051 to encourage improved
7 access to trauma-informed care and behavioral and mental health
8 care services for recipients under the STAR Health program and to
9 support contracted physicians or providers described by Subsection
10 (a) in receiving:

11 (1) training required by Subsection (a); and

12 (2) additional training in research-supported or
13 evidence-based, trauma-informed, non-pharmacological
14 interventions.

15 SECTION 3. Not later than January 1, 2020, the executive
16 commissioner of the Health and Human Services Commission shall
17 adopt rules necessary to implement Sections 533.0051 and 533.0052,
18 Government Code, as amended by this Act.

19 SECTION 4. (a) Sections 533.0051 and 533.0052, Government
20 Code, as amended by this Act, apply only to a contract between the
21 Health and Human Services Commission and a managed care
22 organization that is entered into or renewed on or after the
23 effective date of this Act.

24 (b) To the extent permitted by law or the terms of the
25 contract, the Health and Human Services Commission shall amend a
26 contract entered into before the effective date of this Act with a
27 managed care organization to comply with Sections 533.0051 and

1 533.0052, Government Code, as amended by this Act.

2 SECTION 5. (a) Notwithstanding Section 533.0052,
3 Government Code, as amended by this Act, a physician or provider is
4 not required to complete the training described by that section
5 before September 1, 2023.

6 (b) The implementation of the training described by Section
7 533.0052, Government Code, as amended by this Act, must align with
8 the transition of the Department of Family and Protective Services
9 to a trauma-informed system of care as required by H.B. No. 1536 or
10 similar legislation of the 86th Legislature, Regular Session, 2019,
11 if that bill or similar legislation is enacted and becomes law.

12 SECTION 6. If before implementing any provision of this Act
13 a state agency determines that a waiver or authorization from a
14 federal agency is necessary for implementation of that provision,
15 the agency affected by the provision shall request the waiver or
16 authorization and may delay implementing that provision until the
17 waiver or authorization is granted.

18 SECTION 7. This Act takes effect September 1, 2019.