

Suspending limitations on conference committee
jurisdiction, S.B. No. 1207 (Perry/Krause)

By: Krause

H.R. No. 2189

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 86th Legislature, 2019, That House Rule 13, Section 9(a), be
3 suspended in part as provided by House Rule 13, Section 9(f), to
4 enable the conference committee appointed to resolve the
5 differences on Senate Bill 1207 (the operation and administration
6 of Medicaid, including the Medicaid managed care program and the
7 medically dependent children (MDCP) waiver program) to consider and
8 take action on the following matters:

9 (1) House Rule 13, Section 9(a)(4) is suspended to permit
10 the committee to add text on a matter not included in either the
11 house or senate version of the bill by adding the following SECTION
12 to the bill:

13 SECTION 2. Section [531.024](#), Government Code, is amended by
14 amending Subsection (b) and adding Subsection (c) to read as
15 follows:

16 (b) The rules promulgated under Subsection (a)(7) must
17 provide due process to an applicant for Medicaid services and to a
18 Medicaid recipient who seeks a Medicaid service, including a
19 service that requires prior authorization. The rules must provide
20 the protections for applicants and recipients required by 42 C.F.R.
21 Part 431, Subpart E, including requiring that:

22 (1) the written notice to an individual of the
23 individual's right to a hearing must:

24 (A) contain an explanation of the circumstances

1 under which Medicaid is continued if a hearing is requested; and

2 (B) be delivered by mail, and postmarked ~~[mailed]~~
3 at least 10 business days, before the date the individual's
4 Medicaid eligibility or service is scheduled to be terminated,
5 suspended, or reduced, except as provided by 42 C.F.R. Section
6 431.213 or 431.214; and

7 (2) if a hearing is requested before the date a
8 Medicaid recipient's service, including a service that requires
9 prior authorization, is scheduled to be terminated, suspended, or
10 reduced, the agency may not take that proposed action before a
11 decision is rendered after the hearing unless:

12 (A) it is determined at the hearing that the sole
13 issue is one of federal or state law or policy; and

14 (B) the agency promptly informs the recipient in
15 writing that services are to be terminated, suspended, or reduced
16 pending the hearing decision.

17 (c) The commission shall develop a process to address a
18 situation in which:

19 (1) an individual does not receive adequate notice as
20 required by Subsection (b)(1); or

21 (2) the notice required by Subsection (b)(1) is
22 delivered without a postmark.

23 Explanation: This addition is necessary to change the
24 requirements for notice of a right to a hearing for an applicant for
25 Medicaid services and a Medicaid recipient.

26 (2) House Rule 13, Section 9(a)(4) is suspended to permit
27 the committee to add text on a matter not included in either the

1 house or senate version of the bill by adding the following text to
2 SECTION 3 of the bill:

3 (a) To the extent of any conflict, Section 531.024162,
4 Government Code, as added by this section, prevails over any
5 provision of another Act of the 86th Legislature, Regular Session,
6 2019, relating to notice requirements regarding Medicaid coverage
7 or prior authorization denials or incomplete requests, that becomes
8 law.

9 Explanation: This addition is necessary to provide that the
10 amendment adding Section 531.024162, Government Code, prevails
11 over other similar amendments made by the 86th Legislature.