

A BILL TO BE ENTITLED

AN ACT

relating to newborn screening and the newborn screening preservation account.

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. 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.

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

5       (c) The account is composed of:

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

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

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

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

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

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

21           (1) pay the costs of offering additional newborn  
22 screening tests not offered under this chapter before September 1,  
23 2019, including the operational costs incurred during the first  
24 year of implementing the additional tests; and

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

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

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

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

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

17       SECTION 3. Notwithstanding Section 33.054, Health and  
18 Safety Code, as added by this Act, the Department of State Health  
19 Services shall submit the first report required by that section not  
20 later than December 1, 2019.

21       SECTION 4. As soon as practicable after the effective date  
22 of this Act, the executive commissioner of the Health and Human  
23 Services Commission shall adopt rules as necessary to implement the  
24 changes in law made by this Act.

25       SECTION 5. This Act takes effect September 1, 2019.