

By: Kolkhorst

S.B. No. 748

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 any  
18 money remaining in the account after paying the costs of operating  
19 the newborn screening program established under this chapter only  
20 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 December  
7 31 of the first even-numbered year following the addition of the  
8 test, prepare and submit a written report regarding the actions  
9 taken by the department to fund and implement the test during the  
10 preceding two years to:

11           (1) the governor;

12           (2) the lieutenant governor;

13           (3) the speaker of the house of representatives; and

14           (4) each standing committee of the legislature having  
15 primary jurisdiction over the department.

16       SECTION 3. As soon as practicable after the effective date  
17 of this Act, the executive commissioner of the Health and Human  
18 Services Commission shall adopt rules as necessary to implement the  
19 changes in law made by this Act.

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