

AN ACT

relating to access to certain medication-assisted treatment.

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

SECTION 1. Sections 481.0765(a) and (b), Health and Safety Code, are amended to read as follows:

(a) A prescriber is not subject to the requirements of Section 481.0764(a) if:

(1) the patient has been diagnosed with cancer or sickle cell disease or the patient is receiving hospice care; and

(2) the prescriber clearly notes in the prescription record that the patient was diagnosed with cancer or sickle cell disease or is receiving hospice care, as applicable.

(b) A dispenser is not subject to the requirements of Section 481.0764(a) if it is clearly noted in the prescription record that the patient has been diagnosed with cancer or sickle cell disease or is receiving hospice care.

SECTION 2. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.03115 to read as follows:

Sec. 32.03115. REIMBURSEMENT FOR MEDICATION-ASSISTED TREATMENT FOR OPIOID OR SUBSTANCE USE DISORDER. (a) In this section, "medication-assisted opioid or substance use disorder treatment" means the use of methadone, buprenorphine, oral buprenorphine/naloxone, or naltrexone to treat opioid or substance use disorder.

1 (b) Notwithstanding Sections 531.072 and 531.073,
2 Government Code, or any other law and subject to Subsections (c) and
3 (d), the commission shall provide medical assistance reimbursement
4 for medication-assisted opioid or substance use disorder treatment
5 without requiring a recipient of medical assistance or health care
6 provider to obtain prior authorization or precertification for the
7 treatment.

8 (c) The duty to provide medical assistance reimbursement
9 for medication-assisted opioid or substance use disorder treatment
10 under Subsection (b) does not apply with respect to:

11 (1) a prescription for methadone;

12 (2) a recipient for whom medication-assisted opioid or
13 substance use disorder treatment is determined to be medically
14 contraindicated by the recipient's physician; or

15 (3) a recipient who is subject to an age-related
16 restriction applicable to medication-assisted opioid or substance
17 use disorder treatment.

18 (d) The commission may provide medical assistance
19 reimbursement for medication-assisted opioid or substance use
20 disorder treatment only if the treatment is prescribed to a
21 recipient of medical assistance by a licensed health care provider
22 who is authorized to prescribe methadone, buprenorphine, oral
23 buprenorphine/naloxone, or naltrexone.

24 (e) This section expires August 31, 2023.

25 SECTION 3. (a) In this section, "qualifying practitioner"
26 has the meaning assigned by 21 U.S.C. Section 823(g)(2)(G)(iii).

27 (b) Not later than November 1, 2019, the Health and Human

1 Services Commission shall amend the commission's Medicaid
2 Substance Use Disorder Services Medical Policy and any other
3 provider or claims payment policy or manual necessary to authorize
4 Medicaid medical benefits reimbursement for the prescribing of
5 buprenorphine for the treatment of an opioid use disorder by an
6 advanced practice registered nurse recognized by the Texas Board of
7 Nursing as a clinical nurse specialist, nurse anesthetist, or nurse
8 midwife, provided that the advanced practice registered nurse:

9 (1) is a qualifying practitioner; and

10 (2) has obtained a waiver from registration
11 requirements as provided by 21 U.S.C. Section 823(g).

12 SECTION 4. Section [481.0765](#), Health and Safety Code, as
13 amended by this Act, applies only to a prescription issued on or
14 after the effective date of this Act. A prescription issued before
15 the effective date of this Act is governed by the law in effect on
16 the date the prescription is issued, and the former law is continued
17 in effect for that purpose.

18 SECTION 5. If before implementing any provision of this Act
19 a state agency determines that a waiver or authorization from a
20 federal agency is necessary for implementation of that provision,
21 the agency affected by the provision shall request the waiver or
22 authorization and may delay implementing that provision until the
23 waiver or authorization is granted.

24 SECTION 6. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section [39](#), Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

1 Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1564 passed the Senate on April 3, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 25, 2019, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1564 passed the House, with amendments, on May 22, 2019, by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor