

By: Miles

S.B. No. 2021

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to providing access to local health departments and  
3 certain health service regional offices under the Medicaid managed  
4 care program.

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

6 SECTION 1. Section 533.001, Government Code, is amended by  
7 adding Subdivisions (3-a) and (3-b) to read as follows:

8 (3-a) "Health service regional office" means an office  
9 located in a public health region and administered by a regional  
10 director under Section 121.007, Health and Safety Code.

11 (3-b) "Local health department" means a local health  
12 department established under Subchapter D, Chapter 121, Health and  
13 Safety Code.

14 SECTION 2. Section 533.006(a), Government Code, is amended  
15 to read as follows:

16 (a) The commission shall require that each managed care  
17 organization that contracts with the commission to provide health  
18 care services to recipients in a region:

19 (1) seek participation in the organization's provider  
20 network from:

21 (A) each health care provider in the region who  
22 has traditionally provided care to recipients;

23 (B) each hospital in the region that has been  
24 designated as a disproportionate share hospital under Medicaid;

1 [~~and~~]

2 (C) each specialized pediatric laboratory in the  
3 region, including those laboratories located in children's  
4 hospitals; and

5 (D) each local health department in the region  
6 and each health service regional office acting in the capacity of a  
7 local health department in the region; and

8 (2) include in its provider network for not less than  
9 three years:

10 (A) each health care provider in the region who:

11 (i) previously provided care to Medicaid  
12 and charity care recipients at a significant level as prescribed by  
13 the commission;

14 (ii) agrees to accept the prevailing  
15 provider contract rate of the managed care organization; and

16 (iii) has the credentials required by the  
17 managed care organization, provided that lack of board  
18 certification or accreditation by The Joint Commission may not be  
19 the sole ground for exclusion from the provider network;

20 (B) each accredited primary care residency  
21 program in the region; [~~and~~]

22 (C) each disproportionate share hospital  
23 designated by the commission as a statewide significant traditional  
24 provider; and

25 (D) each local health department in the region  
26 and each health service regional office acting in the capacity of a  
27 local health department in the region.

1           SECTION 3. (a) The Health and Human Services Commission  
2 shall, in a contract between the commission and a managed care  
3 organization under Chapter 533, Government Code, that is entered  
4 into or renewed on or after the effective date of this Act, require  
5 that the managed care organization comply with Section 533.006,  
6 Government Code, as amended by this Act.

7           (b) The Health and Human Services Commission shall seek to  
8 amend contracts entered into with managed care organizations under  
9 Chapter 533, Government Code, before the effective date of this Act  
10 to require those managed care organizations to comply with Section  
11 533.006, Government Code, as amended by this Act. To the extent of  
12 a conflict between that section and a provision of a contract with a  
13 managed care organization entered into before the effective date of  
14 this Act, the contract provision prevails.

15           SECTION 4. The Health and Human Services Commission is  
16 required to implement a provision of this Act only if the  
17 legislature appropriates money to the commission specifically for  
18 that purpose. If the legislature does not appropriate money  
19 specifically for that purpose, the commission may, but is not  
20 required to, implement a provision of this Act using other  
21 appropriations that are available for that purpose.

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

1 SECTION 6. This Act takes effect September 1, 2020.