

BILL ANALYSIS

Senate Research Center
87R5087 KFF-D

H.B. 2365
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Health & Human Services
5/20/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised over the fact that certain military medical treatment facilities and affiliated health care providers, such as Brooke Army Medical Center in San Antonio, are not considered providers under Medicaid for purposes of providing and receiving reimbursement for inpatient emergency services and certain related outpatient services.

H.B. 2365 seeks to address these concerns by establishing that such a facility is considered a Medicaid provider for those purposes and by prohibiting the Health and Human Services Commission from limiting the period of time a Medicaid recipient may receive inpatient emergency services from a military medical treatment facility that is a hospital.

H.B. 2365 amends current law relating to the participation and reimbursement of certain military medical treatment facilities and affiliated health care providers under Medicaid.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 32, Human Resources Code, by adding Section 32.0275, as follows:

Sec. 32.0275. MILITARY MEDICAL TREATMENT FACILITIES AND AFFILIATED HEALTH CARE PROVIDERS; REIMBURSEMENT. (a) Defines "military medical treatment facility" for Section 32.0275.

(b) Provides that Section 32.0275 applies only to a military medical treatment facility located in this state that has been verified as a Level 1 trauma center by the American College of Surgeons or an equivalent organization.

(c) Provides that a military medical treatment facility or a health care provider providing services at a military medical treatment facility is considered a provider under Medicaid for purposes of providing and receiving reimbursement for:

- (1) inpatient emergency services; and
- (2) related outpatient services to the extent those services are not available from an enrolled Medicaid provider at the time the services are needed.

(d) Prohibits the Health and Human Services Commission, if a Medicaid recipient experiences an injury for which the recipient receives inpatient emergency services from a military medical treatment facility that is a hospital, from imposing a 30-day spell of illness limitation or other requirement that limits the period of time the recipient is authorized to receive those services.

SECTION 2. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes a delay of implementation until such a waiver or authorization is granted.

SECTION 3. Effective date: September 1, 2021.