

By: Hinojosa

H.B. No. 3225

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the reimbursement under Medicaid of local educational
3 agencies for the provision of health care services to students.

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

5 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,
6 is amended by adding Section 32.0275 to read as follows:

7 Sec. 32.0275. REIMBURSEMENT FOR CERTAIN SERVICES PROVIDED
8 TO MEDICAID-ELIGIBLE STUDENTS BY LOCAL EDUCATIONAL AGENCIES. (a)
9 In this section, "local educational agency" includes a school
10 district or open-enrollment charter school.

11 (b) The commission shall ensure that Medicaid reimbursement
12 is provided to a local educational agency for all health care
13 services covered under Medicaid, including behavioral health
14 services, that are provided to students eligible for Medicaid
15 through the agency by a health professional, if:

16 (1) the agency is an authorized health care provider
17 under Medicaid; and

18 (2) the parent or legal guardian of the student
19 provides consent before the service is provided.

20 (c) The commission shall ensure a local educational agency
21 receives Medicaid reimbursement under Subsection (b):

22 (1) regardless of whether:

23 (A) there is any charge for the service to the
24 student as a Medicaid recipient or to the community at large;

1 (B) the provided service is included in a
2 student's individualized education plan or individualized family
3 service plan; and

4 (C) the health professional providing the
5 service is the recipient's primary care provider; and

6 (2) that is based on the random moment time study
7 methodology.

8 (d) A local educational agency may only use the proceeds of
9 Medicaid reimbursements received under this section to continue to
10 fund the provision of health care services by the agency.

11 SECTION 2. As soon as practicable after the effective date
12 of this Act, the Health and Human Services Commission shall seek an
13 amendment to the state Medicaid plan or other appropriate
14 authorization from the Centers for Medicare and Medicaid Services
15 or other appropriate federal agency necessary to implement Section
16 32.0275, Human Resources Code, as added by this Act, and may delay
17 implementing that section until the amendment or other
18 authorization is granted.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2021.