

Amend **HB 98** (house committee report) as follows:

(1) On page 1, line 7, strike "Sections 38.037 and 38.038" and substitute "Section 38.037".

(2) On page 1, line 8, between "HEALTH" and "SERVICES", insert "OR BEHAVIORAL HEALTH".

(3) On page 1, line 10, between "health" and "services", insert "or behavioral health".

(4) On page 1, lines 12 and 13, between "health" and "services", insert "or behavioral health".

(5) On page 1, strike lines 18 through 23.

(6) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.021136 and 531.024121 to read as follows:

Sec. 531.021136. COMMISSION'S AUTHORITY TO RETAIN CERTAIN MONEY TO ADMINISTER SCHOOL HEALTH AND RELATED SERVICES PROGRAM.

(a) This section applies only to federal money the commission receives to provide the school health and related services program.

(b) Subject to Subsection (c), the commission may retain from the money to which this section applies an amount equal to the estimated costs necessary, as determined by the commission, to administer the school health and related services program, including costs associated with the development of training materials, compliance monitoring, technical assistance, and audit functions.

(c) The amount retained by the commission under this section may not exceed two percent of the total amount received by the commission during a state fiscal year.

Sec. 531.024121. SCHOOL HEALTH AND RELATED SERVICES PROGRAM: INTEGRITY AND AUDIT FUNCTIONS. (a) The commission shall make every effort to ensure the integrity of the school health and related services program, including by:

(1) performing risk assessments of every element of the program;

(2) annually performing desk audits of all local education agencies participating in the program;

(3) performing in-depth audits of a sample of local education agencies;

(4) ensuring compliance with all applicable federal standards and guidance regarding the administration of random moment time studies, coding, and cost claiming;

(5) considering information provided by the Texas Education Agency on the agency's audits of local education agencies that participate in the program;

(6) coordinating with the Texas Education Agency and any relevant stakeholders or advisory bodies in the development of training materials, policies, and technical assistance necessary to ensure compliance with all applicable state and federal requirements; and

(7) evaluating the program based on metrics developed by the commission.

(b) The commission may contract with a third party with the necessary expertise to comply with this section.

(c) At least once every five years, the commission's office of inspector general shall evaluate the effectiveness of the commission's efforts to ensure the integrity of the school health and related services program.

SECTION _____. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Sections 32.0271 and 32.04245 to read as follows:

Sec. 32.0271. REIMBURSEMENT FOR CERTAIN SERVICES PROVIDED TO MEDICAID-ENROLLED STUDENTS BY LOCAL EDUCATION AGENCIES. (a) In this section, "local education agency" includes a school district or open-enrollment charter school.

(b) This section applies only with respect to a child who is enrolled in Medicaid and is eligible to receive services under the school health and related services program, regardless of whether the child has an individualized education program.

(c) The commission shall ensure that reimbursement under the school health and related services program is provided to a local education agency for all mental health and behavioral health services covered under the program that are provided to a child described by Subsection (b).

(d) The parent or legal guardian of a child to whom this section applies must provide written consent for any services provided to the child under this section. The parent or legal guardian may revoke that consent at any time.

(e) A local education agency that provides mental health or behavioral health services to a child under this section shall provide a written summary of each of the child's service visits to:

(1) if the child is younger than 18 years of age, the child's parent or legal guardian; and

(2) if the child's parent or legal guardian provides consent, the child's primary care provider.

(f) This section does not require a local education agency to enroll as a Medicaid provider.

Sec. 32.04245. SCHOOL HEALTH AND RELATED SERVICES PROGRAM: THIRD-PARTY INSURERS. The commission may not provide reimbursement under the school health and related services program to a third-party health insurer for any service provided in order to facilitate the coordination of benefits.

SECTION _____. As soon as practicable after the effective date of this Act, the Health and Human Services Commission shall seek any necessary amendment to the state Medicaid plan or other appropriate authorization from the Centers for Medicare and Medicaid Services or other appropriate federal agency to implement Section 32.0271, Human Resources Code, as added by this Act, and may delay implementing that section until the amendment or other authorization is granted.