88R8797 JG-F

By:  Gamez H.B. No. 5020

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Autism Medicaid Services Program Advisory Committee to evaluate the provision of applied behavior analysis services under Medicaid.

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

SECTION 1.  Subchapter A, Chapter 531, Government Code, is amended by adding Section 531.0122 to read as follows:

Sec. 531.0122.  AUTISM MEDICAID SERVICES PROGRAM ADVISORY COMMITTEE. (a) In this section:

(1)  "Advisory committee" means the Autism Medicaid Services Program Advisory Committee established under this section.

(2)  "Program" means the autism Medicaid services program administered by the commission under Medicaid to provide applied behavior analysis services to recipients with autism spectrum disorder.

(b)  In accordance with Section 531.012, the executive commissioner by rule shall establish the Autism Medicaid Services Program Advisory Committee to evaluate and advise the commission on issues and concerns relating to the provision of applied behavior analysis services under the program.

(c)  The executive commissioner shall appoint to the advisory committee members with expertise in the provision of applied behavior analysis services, including:

(1)  commission staff;

(2)  commission contractors;

(3)  Medicaid managed care organization representatives;

(4)  applied behavioral analysis providers participating in the program that represent:

(A)  various geographic areas of this state; and

(B)  a variety of operational sizes;

(5)  relevant advocates and stakeholders;

(6)  recipients of applied behavior analysis services or the parents or legal guardians of those recipients; and

(7)  any other persons the executive commissioner determines appropriate.

(d)  The executive commissioner shall select from among the advisory committee members a presiding officer.

(e)  Not later than November 1 of each year, the advisory committee shall prepare and submit to the executive commissioner, the commission's executive council established under Section 531.0051, the governor, and the legislature an electronic written report that includes:

(1)  the total program budget for the preceding fiscal year;

(2)  the total amount of money spent to provide reimbursements under the program for the provision of applied behavior analysis services during:

(A)  the preceding fiscal year under the program to provide reimbursements for the provision of applied behavior analysis services; and

(B)  the period beginning on the date the program was established to the 30th day preceding the date the report is prepared;

(3)  the total number of recipients who received applied behavior analysis services under the program during:

(A)  the preceding fiscal year; and

(B)  the period beginning on the date the program was established to the 30th day preceding the date the report is prepared;

(4)  the total number of projected recipients who will receive applied behavior analysis services under the program for the current fiscal year;

(5)  the minutes of each advisory committee meeting conducted during the preceding fiscal year, including any written public comments and transcribed oral public comments; and

(6)  an analysis of barriers to:

(A)  the program's efficiency;

(B)  access to applied behavior analysis services under the program; and

(C)  program network adequacy, including recommendations for improving program efficiency.

(f)  Beginning December 1, 2028, the commission shall:

(1)  annually evaluate whether there is a continuing need for the advisory committee; and

(2)  make a recommendation regarding the committee's continuation to the legislature and provide the recommendation with the next annual report required under Subsection (e).

SECTION 2.  (a) Not later than March 1, 2024, the executive commissioner of the Health and Human Services Commission shall appoint members to the Autism Medicaid Services Program Advisory Committee as required by Section 531.0122, Government Code, as added by this Act.

(b)  Notwithstanding Section 531.0122, Government Code, as added by this Act, the Autism Medicaid Services Program Advisory Committee established under that section is not required to submit the first report under that section until November 1, 2024.

SECTION 3.  This Act takes effect September 1, 2023.