

By: Howard

H.B. No. 1795

A BILL TO BE ENTITLED

AN ACT

relating to the reimbursement under Medicaid of local educational agencies for the provision of health care services to students.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0271 to read as follows:

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

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

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

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

(c) To the extent permitted by federal law, the commission shall ensure a local educational agency receives Medicaid reimbursement under Subsection (b):

(1) regardless of whether:

(A) there is any charge for the service to the

1 student as a Medicaid recipient or to the community at large;

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

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

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

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

12 SECTION 2. As soon as practicable after the effective date  
13 of this Act, the Health and Human Services Commission shall seek an  
14 amendment to the state Medicaid plan or other appropriate  
15 authorization from the Centers for Medicare and Medicaid Services  
16 or other appropriate federal agency necessary to implement Section  
17 32.0271, Human Resources Code, as added by this Act, and may delay  
18 implementing that section until the amendment or other  
19 authorization is granted.

20 SECTION 3. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2023.