By: Neave Criado H.B. No. 5205

A BILL TO BE ENTITLED

AN ACT

relating to coverage for certain services relating to postpartum depression under the Medicaid and CHIP perinatal programs.

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

SECTION 1. Chapter 62, Health and Safety Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. CHIP PERINATAL PROGRAM

Sec. 62.201. DEFINITION. In this subchapter, "postpartum depression" means a disorder with postpartum onset that is categorized as a mood disorder by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (DSM-5), or a subsequent edition adopted by rule by the executive commissioner.

Sec. 62.202. COVERAGE FOR POSTPARTUM DEPRESSION SCREENING AND TREATMENT. (a) The covered services under the CHIP perinatal program must include, for each woman who gives birth to a child who is enrolled in the CHIP perinatal program before birth, screening and treatment for postpartum depression for the 12-month period after the date the woman gives birth to the child.

(b) The coverage for postpartum depression provided under Subsection (a):

(1) must provide mental health services to a woman regardless of whether the woman has been found to be a danger to herself or others; and

(2) may not place an arbitrary or artificial limit on the amount of services that may be provided.

(c) The executive commissioner shall adopt rules necessary to implement this section.

SECTION 2. Section 32.024(l-1), Human Resources Code, is amended to read as follows:

(l-1) The commission shall continue to provide medical assistance to a woman who is eligible for medical assistance for pregnant women for a period of not less than 12 [~~six~~] months following the date the woman gives birth [~~delivers or experiences an involuntary miscarriage~~].

SECTION 3. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.02491 to read as follows:

Sec. 32.02491. SCREENING AND TREATMENT SERVICES FOR POSTPARTUM DEPRESSION. (a) For purposes of this section, "postpartum depression" has the meaning assigned by Section 62.201, Health and Safety Code.

(b) The commission shall provide a woman who receives medical assistance benefits during a pregnancy screening and treatment for postpartum depression for the 12-month period after the date the woman gives birth.

(c) The commission shall provide mental health services to a woman under Subsection (b) regardless of whether the woman has been found to be a danger to herself or others.

(d) The commission may not place an arbitrary or artificial limit on the amount of services that may be provided under Subsection (b).

(e) The executive commissioner shall adopt rules necessary to implement this section.

SECTION 4. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall develop and seek a waiver or other appropriate authorization from the Centers for Medicare and Medicaid Services to extend the number of postpartum visits a woman may receive under the CHIP perinatal program in order to implement Section 62.202, Health and Safety Code, as added by this Act.

SECTION 5. If before implementing any provision of this Act a state agency determines that an additional waiver or additional authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 6. This Act takes effect September 1, 2023.