

SENATE AMENDMENTS

2nd Printing

By: Hefner

H.B. No. 4888

A BILL TO BE ENTITLED

AN ACT

relating to Medicaid coverage and reimbursement for non-opioid treatments.

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 32.03117 to read as follows:

Sec. 32.03117. REIMBURSEMENT FOR NON-OPIOID TREATMENTS.

(a) In this section:

(1) "Non-opioid treatment" means:

(A) a drug or biological product that is indicated to produce analgesia without acting on the body's opioid receptors; or

(B) an implantable, reusable, or disposable medical device:

(i) approved for use by the United States Food and Drug Administration for the intended use of eliminating or reducing pain; and

(ii) that has demonstrated the ability to replace, reduce, or avoid opioid use.

(2) "OPD services" has the meaning assigned by 42 U.S.C. Section 1395l(t)(1)(B).

(b) The commission shall ensure that medical assistance reimbursement is provided to a provider who provides a non-opioid treatment to a recipient under the medical assistance program.

1 (c) The executive commissioner by rule shall ensure that, to
2 the extent permitted by federal law, a provider who provides OPD
3 services to a medical assistance recipient is reimbursed separately
4 under the medical assistance program for any non-opioid treatment
5 provided as a part of those services.

6 SECTION 2. If before implementing any provision of this Act
7 a state agency determines that a waiver or authorization from a
8 federal agency is necessary for implementation of that provision,
9 the agency affected by the provision shall request the waiver or
10 authorization and may delay implementing that provision until the
11 waiver or authorization is granted.

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

ADOPTED

MAY 24 2023

By: Perry

Substitute the following for .B. No. :

By: Charles Perry

Latey Spaw
Secretary of the Senate
H.B. No. 4888

C.S. .B. No.

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SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.03117 to read as follows:

Sec. 32.03117. REIMBURSEMENT FOR NON-OPIOID TREATMENTS.

(a) In this section, "non-opioid treatment" means a drug or biological product that is indicated to produce analgesia without acting on the body's opioid receptors.

(b) The commission shall ensure that medical assistance reimbursement is provided to a provider who provides a non-opioid treatment to a recipient under the medical assistance program.

(c) The executive commissioner by rule shall ensure that, to the extent permitted by federal law, a hospital provider that provides outpatient department services to a medical assistance recipient is reimbursed separately under the medical assistance program for any non-opioid treatment provided as a part of those services.

SECTION 2. If before implementing any provision of this Act a state agency determines that a waiver or 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

1 waiver or authorization is granted.

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

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 25, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4888 by Hefner (Relating to Medicaid coverage and reimbursement for non-opioid treatments.),
As Passed 2nd House

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission

LBB Staff: JMc, SD, NPe, ER, CST

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 19, 2023

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4888 by Hefner (Relating to Medicaid coverage and reimbursement for non-opioid treatments.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission

LBB Staff: JMc, NPe, ER, CST, SD

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 14, 2023

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4888 by Hefner (Relating to Medicaid coverage and reimbursement for non-opioid treatments.).
As Engrossed

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Source Agencies: 529 Health and Human Services Commission

LBB Staff: JMc, NPe, ER, CST

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 14, 2023

TO: Honorable James B. Frank, Chair, House Committee on Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4888 by Hefner (Relating to Medicaid coverage and reimbursement for non-opioid treatments.),
As Introduced

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 529 Health and Human Services Commission

LBB Staff: JMc, NPe, ER, CST