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| BILL ANALYSIS |

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| H.B. 26 |
| By: Hull |
| Human Services |
| Committee Report (Unamended) |

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| **BACKGROUND AND PURPOSE**  Currently, medical nutritional counseling is a Medicaid benefit provided to children with certain diseases who are referred for medically necessary nutritional counseling, a service offered by practicing licensed dietitians who are enrolled as Medicaid providers. However, the adult Medicaid population and children diagnosed with other diseases for whom nutritional counseling may improve health outcomes, decrease the risk of chronic disease, and decrease utilization of the healthcare system, are left without this same access to nutritional counseling. The federal Centers for Medicare and Medicaid Services (CMS) approves states to offer certain Medicaid services in lieu of other benefits if it can be demonstrated that the services are medically appropriate and more cost-effective than offering covered benefits. Currently, state law directs the Health and Human Services Commission (HHSC) to offer in-lieu-of services (ILOS) for mental health or substance use programs. ILOS are optional for Medicaid managed care organizations (MCOs) to provide, optional for Medicaid clients to participate in, and must be determined to be cost-effective with approval by CMS. H.B. 26 seeks to direct HHSC to permit Medicaid MCOs to provide nutritional counseling and instruction services in lieu of other services if determined to be medically appropriate and cost-effective. The bill excludes from nutritional counseling and instruction services any service that includes home-delivered meals, food prescriptions, or grocery support. |
| **CRIMINAL JUSTICE IMPACT**  It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY**  It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS**  H.B. 26 amends the Government Code to require a contract between a Medicaid managed care organization (MCO) and the Health and Human Services Commission for the provision of health care services to Medicaid recipients to contain language permitting the contracting MCO to offer medically appropriate, cost-effective, evidence-based nutrition counseling and instruction services from a list of services approved by the state Medicaid managed care advisory committee and included in the contract in lieu of services specified in the state Medicaid plan. The bill authorizes the state Medicaid managed care advisory committee, in approving the list of nutrition counseling and instruction services that are permitted in lieu of services specified in the state Medicaid plan, to include only nutrition counseling and instruction. The bill prohibits the list from including home-delivered meals, food prescriptions, or grocery support.  H.B. 26 applies to a contract entered into or renewed on or after the bill's effective date. A contract entered into or renewed before that date is governed by the law in effect on the date the contract was entered into or renewed, and that law is continued in effect for that purpose. If before implementing any provision of the bill 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 must request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted. |
| **EFFECTIVE DATE**  September 1, 2025. |