

BILL ANALYSIS

C.S.H.B. 136
By: Hull
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to the CDC, breastfeeding benefits both the mother and the baby, as antibodies in breast milk can help protect babies against some short-term and long-term illnesses and diseases while the act of breastfeeding can reduce the mother's risk of breast and ovarian cancer, type 2 diabetes, and high blood pressure. Currently, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides support for Texas women who choose to breastfeed through the WIC hotline, a 1-800 number that is primarily staffed by peer support counselors who receive general training. However, some situations that fall outside of basic breastfeeding support are referred to International Board Certified Lactation Consultants. The bill's author has informed the committee that not all clinics across the state are staffed with International Board-Certified Lactation Consultants, forcing some women who would like to breastfeed to instead use formula after unsuccessful attempts and lack of support. C.S.H.B. 136 seeks to address this issue by establishing lactation consulting as a Medicaid benefit for eligible Texas women that would allow for credentialed and enrolled providers who are properly certified to assist women who need additional supports to successfully breastfeed.

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

C.S.H.B. 136 amends the Human Resources Code to require the Health and Human Services Commission (HHSC) to ensure Medicaid reimbursement is provided to a lactation consultant for providing lactation consultation services to a Medicaid recipient. The bill requires the executive commissioner of HHSC to establish a separate provider type for lactation consultants for purposes of enrollment as a provider for and reimbursement under Medicaid.

C.S.H.B. 136 defines "lactation consultant" as an individual certified by an international or national certification program approved by HHSC to provide lactation consultation services. 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.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 136 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and the substitute require the executive commissioner of HHSC to establish a separate provider type for lactation consultants for purposes of enrollment as a provider for and reimbursement under Medicaid, the introduced version revised statutory provisions relating to the authority and scope of the Medicaid program by requiring HHSC to take the following actions, which the substitute does not:

- establish a separate provider type for a community health worker and for a doula who provide lactation consultation services, for purposes of enrollment as a provider and reimbursement under Medicaid; and
- provide Medicaid coverage of lactation consultation as a separately reimbursed pregnancy related service when delivered to a recipient under Medicaid by an eligible provider who has a certification in lactation consultation.

Instead, the substitute sets out a requirement for HHSC to ensure Medicaid reimbursement is provided to a lactation consultant for providing lactation consultation services to a Medicaid recipient. The substitute includes provisions absent from the introduced defining a "lactation consultant" and a "recipient."