

AN ACT

relating to authorizing Medicaid managed care organizations to offer nutrition support services in lieu of other state Medicaid plan services.

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

SECTION 1. Section 540.0272, Government Code, is amended to read as follows:

Sec. 540.0272. CERTAIN SERVICES PERMITTED IN LIEU OF STATE MEDICAID PLAN SERVICES [~~OTHER MENTAL HEALTH OR SUBSTANCE USE DISORDER SERVICES~~]; ANNUAL REPORT. (a) A contract to which this subchapter applies must contain language permitting the contracting Medicaid managed care organization to offer medically appropriate, cost-effective, evidence-based mental health or substance use services or 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 [~~mental health or substance use disorder~~] services specified in the state Medicaid plan. A recipient is not required to use a service from the list included in the contract in lieu of another [~~mental health or substance use disorder~~] service specified in the state Medicaid plan.

(b) The commission shall:

(1) prepare and submit to the legislature an annual report on the number of times during the preceding year a service

1 from the list included in the contract is used; and

2 (2) consider the actual cost and use of any services
3 from the list included in the contract that are offered by a
4 Medicaid managed care organization when setting the capitation
5 rates for that organization under the contract.

6 (c) In approving the list of nutrition counseling and
7 instruction services that are permitted in lieu of services
8 specified in the state Medicaid plan under this section, the state
9 Medicaid managed care advisory committee may only include nutrition
10 counseling and instruction. The list may not include:

11 (1) home-delivered meals;

12 (2) food prescriptions; or

13 (3) grocery support.

14 SECTION 2. Subchapter F, Chapter 540, Government Code, is
15 amended by adding Section 540.02721 to read as follows:

16 Sec. 540.02721. PILOT PROGRAM TO PROVIDE ADDITIONAL
17 NUTRITION SUPPORT SERVICES TO CERTAIN PREGNANT RECIPIENTS IN LIEU
18 OF STATE MEDICAID PLAN SERVICES. (a) In this section:

19 (1) "Participant" means a recipient who participates
20 in the pilot program.

21 (2) "Pilot program" means the pilot program
22 established by the commission under authority of this section.

23 (3) "Medically tailored meal" means a meal designed by
24 a registered dietitian as part of a treatment plan to improve an
25 individual's health outcomes and chronic disease management.

26 (b) The commission may establish a pilot program under which
27 Medicaid managed care organizations are authorized to offer and

provide nutrition support services in lieu of services specified in the state Medicaid plan to a recipient who is:

(1) pregnant; and

(2) diagnosed with a chronic health condition or disease that may contribute to a high-risk pregnancy or birth complications, including:

(A) gestational diabetes;

(B) hypertension; and

(C) obesity.

(c) Notwithstanding Section 540.0272, a Medicaid managed care organization may offer the following services under the pilot program in lieu of services specified in the state Medicaid plan:

(1) nutrition counseling and instruction services authorized under Section 540.0272;

(2) medically tailored meals, provided the meals are provided with nutrition counseling and instruction services authorized under Section 540.0272; and

(3) other evidence-based nutrition support services designed to improve maternal and infant health outcomes, as determined by the commission.

(d) The commission shall collect and analyze data on the impact to maternal and infant health outcomes that nutrition support services have on pilot program participants. The data the commission collects and analyzes must include:

(1) the rate by which pilot program participants comply with a medically tailored meal plan or other nutrition support services provided under the pilot program;

1 (2) health outcomes associated with each participant's
2 pregnancy;

3 (3) the impact of nutrition support services on a
4 participant's chronic health condition or disease-related
5 symptoms; and

6 (4) newborn and infant health outcomes for children
7 born to participants.

8 (e) As soon as practicable after the termination of the
9 pilot program, the commission shall prepare and submit to the
10 legislature a written report that includes:

11 (1) a summary of the pilot program outcomes, including
12 a summary of the data the commission collects and analyzes under
13 Subsection (d); and

14 (2) recommendations for legislative or other action.

15 (f) The pilot program, if established, terminates August
16 31, 2030.

17 (g) This section expires September 1, 2031.

18 SECTION 3. The changes in law made by this Act apply to a
19 contract entered into or renewed on or after the effective date of
20 this Act. A contract entered into or renewed before that date is
21 governed by the law in effect on the date the contract was entered
22 into or renewed, and the former law is continued in effect for that
23 purpose.

24 SECTION 4. If before implementing any provision of this Act
25 a state agency determines that a waiver or authorization from a
26 federal agency is necessary for implementation of that provision,
27 the agency affected by the provision shall request the waiver or

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1 authorization and may delay implementing that provision until the
2 waiver or authorization is granted.

3 SECTION 5. This Act takes effect September 1, 2025.

President of the Senate

Speaker of the House

I certify that H.B. No. 26 was passed by the House on April 23, 2025, by the following vote: Yeas 132, Nays 13, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 26 on May 29, 2025, by the following vote: Yeas 130, Nays 9, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 26 was passed by the Senate, with amendments, on May 26, 2025, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____
Date

Governor