

By: Howard

H.B. No. 3355

A BILL TO BE ENTITLED

AN ACT

relating to the approval, selection, and use of an alternative electronic visit verification system under Medicaid.

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

SECTION 1. Section 532.0257, Government Code, as effective April 1, 2025, is amended to read as follows:

Sec. 532.0257. HEALTH CARE PROVIDER COMPLIANCE. A health care provider that provides to recipients personal care services, attendant care services, or other services the commission identifies shall:

(1) use the electronic visit verification system or an alternative [~~a proprietary~~] system the commission approves [~~allows~~] as provided by Section 532.0258 to document the provision of those services;

(2) comply with all documentation requirements the commission establishes;

(3) comply with federal and state laws regarding confidentiality of recipients' information;

(4) ensure that the commission or the Medicaid managed care organization with which a claim for reimbursement for a service is filed may review electronic visit verification system documentation related to the claim or obtain a copy of that documentation at no charge to the commission or the organization;

and

1 (5) at any time, allow the commission or a Medicaid  
2 managed care organization with which a health care provider  
3 contracts to provide health care services to recipients enrolled in  
4 the organization's managed care plan to have direct, on-site access  
5 to the electronic visit verification system in use by the health  
6 care provider.

7 SECTION 2. Section 532.0258, Government Code, as effective  
8 April 1, 2025, is amended to read as follows:

9 Sec. 532.0258. HEALTH CARE PROVIDER: USE OF ALTERNATIVE  
10 ~~[PROPRIETARY]~~ SYSTEM. (a) The commission may approve an  
11 alternative ~~[recognize a health care provider's proprietary]~~  
12 electronic visit verification system, including a system ~~[whether]~~  
13 purchased or developed by a health care ~~[the]~~ provider, as  
14 complying with this subchapter and allow a ~~[the]~~ health care  
15 provider to use the ~~[that]~~ system ~~[for a period the commission~~  
16 ~~determines]~~ if the commission determines that the system~~+~~

17 ~~[(1) complies with all necessary data submission,~~  
18 ~~exchange, and reporting requirements established under this~~  
19 ~~subchapter, and~~

20 ~~[(2)]~~ meets all ~~[other]~~ standards and requirements,  
21 including electronic visit verification business rules,  
22 established under this subchapter.

23 (b) To the extent allowed by federal law ~~[If feasible]~~, the  
24 executive commissioner shall ensure the vendor of an approved  
25 alternative electronic visit verification system selected by a  
26 health care provider under this section is reimbursed for any  
27 electronic visit verification visit transaction costs if the ~~[use~~

1 ~~of the provider's proprietary electronic visit verification]~~  
2 system maintains the minimum standards and requirements the  
3 commission establishes [~~recognizes~~].

4 (b-1) The commission shall:

5 (1) allow a health care provider to select, on a form  
6 the provider signs and in the manner the commission prescribes, any  
7 alternative electronic visit verification system the commission  
8 approves under this section;

9 (2) timely approve a provider's signed selection of  
10 the alternative system under Subdivision (1); and

11 (3) allow the provider a period of 90 days to implement  
12 the selected alternative system.

13 (b-2) The commission shall maintain a current list of  
14 alternative electronic visit verification systems the commission  
15 has approved. The list must:

16 (1) include:

17 (A) each alternative system the commission has  
18 approved under this section;

19 (B) contact information for the person from whom  
20 the alternative system may be obtained; and

21 (C) an electronic link to an alternative  
22 electronic visit verification system selection form for use by a  
23 health care provider in making a selection; and

24 (2) be prominently posted on the Internet website of  
25 the commission or the commission's designee in the same location  
26 that other information on alternative electronic visit  
27 verification systems under this subchapter is posted.

1        (b-3) The commission may not limit the number of alternative  
2 electronic visit verification systems approved under this section.

3        (c) For purposes of facilitating the use of alternative  
4 ~~[proprietary]~~ electronic visit verification systems by health care  
5 providers and in consultation with industry stakeholders and the  
6 work group established under Section 532.0259, the commission or  
7 the executive commissioner, as appropriate, shall:

8            (1) develop an open model system that mitigates the  
9 administrative burdens providers required to use electronic visit  
10 verification identify;

11           (2) allow providers to use emerging technologies,  
12 including Internet-based, mobile telephone-based, and global  
13 positioning-based technologies, in the alternative ~~[providers'~~  
14 ~~proprietary]~~ electronic visit verification systems approved under  
15 this section;

16           (2-a) allow providers to choose a system that best meets  
17 the providers' needs, including, if the commission changes the  
18 vendor for the electronic visit verification system under Section  
19 532.0253, continuing to use the previous vendor's system if the  
20 system meets commission standards and requirements; and

21           (3) adopt rules governing:

22                (A) data submission;

23                (B) ~~and provider~~ reimbursement of electronic  
24 visit verification visit transaction costs; and

25                (C) an efficient alternative electronic visit  
26 verification system approval process.

27        SECTION 3. As soon as possible after the effective date of

1 this Act, the executive commissioner of the Health and Human  
2 Services Commission shall adopt rules necessary to implement  
3 Section [532.0258](#), Government Code, as amended by this Act.

4 SECTION 4. If before implementing any provision of this Act  
5 a state agency determines that a waiver or authorization from a  
6 federal agency is necessary for implementation of that provision,  
7 the agency affected by the provision shall request the waiver or  
8 authorization and may delay implementing that provision until the  
9 waiver or authorization is granted.

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