

By: Johnson

S.B. No. 1661

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the provision of nutrition support services to Medicaid
3 recipients in lieu of other state Medicaid plan services and a
4 report on the health outcomes of providing those services.

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

6 SECTION 1. Section 540.0272, Government Code, as effective
7 April 1, 2025, is amended to read as follows:

8 Sec. 540.0272. CERTAIN SERVICES PERMITTED IN LIEU OF STATE
9 MEDICAID PLAN SERVICES [~~OTHER MENTAL HEALTH OR SUBSTANCE USE~~
10 ~~DISORDER SERVICES~~]; ANNUAL REPORT. (a) A contract to which this
11 subchapter applies must contain language permitting the
12 contracting Medicaid managed care organization to offer recipients
13 enrolled in the organization's managed care plan medically
14 appropriate, cost-effective, evidence-based mental health or
15 substance use services or, subject to Section 540.02721, nutrition
16 support services from a list of services approved by the commission
17 [~~state Medicaid managed care advisory committee~~] and included in
18 the contract as services the organization may provide recipients in
19 lieu of [~~mental health or substance use disorder~~] services
20 specified in the state Medicaid plan. A recipient is not required
21 to use a service from the list included in the contract in lieu of a
22 [~~another mental health or substance use disorder~~] service specified
23 in the state Medicaid plan.

24 (b) The commission shall:

1 (1) not later than November 1 of each year, prepare and
2 submit to the legislature a [~~an annual~~] report on the number of
3 times during the preceding year a service from the list included in
4 the contract is used; and

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

9 SECTION 2. Subchapter F, Chapter 540, Government Code, as
10 effective April 1, 2025, is amended by adding Section 540.02721 to
11 read as follows:

12 Sec. 540.02721. NUTRITION SUPPORT SERVICES; BIENNIAL
13 REPORT. (a) In this section:

14 (1) "Community-based nutrition support organization"
15 means an organization that:

16 (A) provides nutrition support services;

17 (B) has an established agreement with a health
18 care provider to implement nutrition support services under this
19 section; and

20 (C) employs:

21 (i) at least one registered dietitian
22 nutritionist;

23 (ii) culinary personnel; and

24 (iii) support personnel capable of
25 providing patient referrals to a health care provider, sourcing
26 ingredients, and packaging and delivering meals to eligible
27 recipients.

1 (2) "Food prescription program" means a program under
2 which a health care provider prescribes nutritious food, including
3 fresh fruits and vegetables, to an individual who has or is at risk
4 of developing a diet-related chronic disease to, as appropriate,
5 treat the disease or reduce the individual's risk of developing the
6 disease by increasing the patient's access to and consumption of
7 healthy food.

8 (3) "Medically tailored meal" means food prepared as
9 prescribed by a dietician or other health care provider to treat an
10 individual's diet-related chronic disease or health condition and
11 any associated symptoms.

12 (b) In approving the list of nutrition support services that
13 are permitted in lieu of services specified in the state Medicaid
14 plan under Section 540.0272, the commission shall consider
15 including the following services:

16 (1) case management services related to food and
17 nutrition access;

18 (2) nutrition counseling and guidance that is specific
19 to an individual's needs or designed to improve health outcomes;

20 (3) the provision of medically tailored meals;

21 (4) food prescription programs; and

22 (5) any other nutrition support service the commission
23 determines to be appropriate, evidence-based, and cost-effective.

24 (c) In implementing Section 540.0272 as it relates to
25 nutrition support services and this section, the commission shall
26 ensure that:

27 (1) community-based nutrition support organizations

1 may provide nutrition support services to recipients under
2 Medicaid; and

3 (2) a recipient does not receive duplicate services
4 under Medicaid.

5 (d) The executive commissioner shall establish a separate
6 provider type for community-based nutrition support organizations
7 for purposes of enrollment and reimbursement as a provider under
8 Medicaid.

9 (e) Not later than November 1 of each even-numbered year,
10 the commission shall prepare and submit to the legislature a
11 biennial report on the health outcomes of providing nutrition
12 support services in lieu of services specified in the state
13 Medicaid plan. The report must include:

14 (1) the number of recipients receiving nutrition
15 support services during the preceding two-year period; and

16 (2) an assessment of those individuals' health
17 outcomes based on relevant National Committee for Quality Assurance
18 Healthcare Effectiveness Data and Information Set (HEDIS)
19 measures, including:

20 (A) hemoglobin A1c levels;

21 (B) blood pressure control;

22 (C) birth weight, if applicable;

23 (D) emergency room visits; and

24 (E) any other measure of the health outcomes the
25 commission determines relevant to evaluate the effectiveness of
26 nutrition support services.

27 SECTION 3. The changes in law made by this Act apply to a

1 contract entered into or renewed on or after the effective date of
2 this Act. A contract entered into or renewed before that date is
3 governed by the law in effect on the date the contract was entered
4 into or renewed, and that law is continued in effect for that
5 purpose.

6 SECTION 4. 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 5. This Act takes effect September 1, 2025.