

By: Cook

S.B. No. 2729

A BILL TO BE ENTITLED

1 AN ACT

2 relating to Medicaid coverage and reimbursement for the treatment
3 of obesity and certain diabetes prevention program services.

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

5 SECTION 1. Subchapter B, Chapter 32, Human Resources Code,
6 is amended by adding Sections 32.02461 and 32.02462 to read as
7 follows:

8 Sec. 32.02461. REIMBURSEMENT FOR TREATING OBESITY. (a) In
9 this section:

14 (2) "Intensive health behavioral and lifestyle
15 treatment" means an evidence-based, multi-component behavioral or
16 lifestyle modification intervention that supports healthy weight
17 management.

23 (B) is endorsed by the American Society for
24 Metabolic and Bariatric Surgery

1 (4) "Recipient" means a recipient of medical
2 assistance.

3 (5) "Telehealth service" and "telemedicine medical
4 service" have the meanings assigned by Section 111.001, Occupations
5 Code.

6 (b) The commission shall ensure that medical assistance
7 reimbursement is provided for health care services provided to a
8 recipient for the treatment of the chronic disease of obesity,
9 including:

10 (1) intensive health behavioral and lifestyle
11 treatment services;

12 (2) metabolic and bariatric surgery; and
13 (3) anti-obesity medication.

14 (c) Intensive health behavior and lifestyle treatment
15 services provided under the medical assistance program may include
16 interventions certified or recognized by the Centers for Disease
17 Control and Prevention or recommended by current clinical standards
18 of care. The services may be provided in person, including in
19 office or in a community-based setting, or remotely as a telehealth
20 service or telemedicine medical service.

21 (d) The executive commissioner by rule shall establish
22 medical necessity criteria for anti-obesity medications provided
23 under the medical assistance program. The criteria may not be more
24 restrictive than the indications for the medications that are
25 approved by the United States Food and Drug Administration.

26 (e) The commission or a Medicaid managed care organization
27 may apply utilization management to determine medical necessity for

1 a health care service authorized under this section only if the
2 determinations of appropriateness and medical necessity are made in
3 the same manner as those determinations are made for other health
4 care services provided under the medical assistance program.

5 (f) The executive commissioner shall adopt rules necessary
6 to implement this section.

7 Sec. 32.02462. REIMBURSEMENT FOR DIABETES PREVENTION
8 PROGRAM SERVICES. (a) In this section:

9 (1) "Diabetes prevention program" means a program
10 designed to prevent or delay the onset of Type 2 diabetes by
11 providing a person enrolled in the program a series of structured
12 behavioral health change sessions based on a curriculum approved by
13 the Centers for Disease Control and Prevention.

14 (2) "Diabetes prevention program supplier" means an
15 entity included in the National Registry of Recognized Diabetes
16 Prevention Programs maintained by the Centers for Disease Control
17 and Prevention.

18 (3) "Recipient" means a recipient of medical
19 assistance.

20 (b) The commission shall ensure that medical assistance
21 reimbursement is provided to a diabetes prevention program supplier
22 for services provided to a recipient enrolled in a diabetes
23 prevention program if the recipient:

24 (1) meets the program's eligibility requirements; and
25 (2) has not previously participated in the program
26 while a recipient.

27 SECTION 2. If before implementing any provision of this Act

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1 a state agency determines that a waiver or authorization from a
2 federal agency is necessary for implementation of that provision,
3 the agency affected by the provision shall request the waiver or
4 authorization and may delay implementing that provision until the
5 waiver or authorization is granted.

6 SECTION 3. As soon as practicable after the date Section
7 32.02461, Human Resources Code, as added by this Act, is
8 implemented, the Health and Human Services Commission shall provide
9 written notice to recipients of medical assistance under Chapter
10 32, Human Resources Code, regarding the availability of obesity
11 treatment options under the medical assistance program.

12 SECTION 4. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2025.