

**House Bill 26**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 540.0272, Government Code, as effective April 1, 2025, 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 support 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 from the list included in the contract is used; and

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

(c) In approving the list of nutrition support services that are permitted in lieu of services specified in the state Medicaid plan under this section, the state Medicaid managed care advisory committee shall ensure the list includes:

(1) nutrition counseling and instruction; and

(2) other nutrition support services provided to a recipient for a limited duration, as the commission determines, in

SENATE VERSION (IE)

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

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

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

(c) In approving the list of nutrition counseling and instruction services that are permitted in lieu of services specified in the state Medicaid plan under this section, the state Medicaid managed care advisory committee may only include nutrition counseling and instruction.

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coordination with nutrition counseling and instruction.

No equivalent provision.

SENATE VERSION (IE)

The list may not include:  
(1) home-delivered meals;  
(2) food prescriptions; or  
(3) grocery support.

SECTION \_\_. Subchapter F, Chapter 540, Government Code, is amended by adding Section 540.02721 to read as follows:  
Sec. 540.02721. PILOT PROGRAM TO PROVIDE ADDITIONAL NUTRITION SUPPORT SERVICES TO CERTAIN PREGNANT RECIPIENTS IN LIEU OF STATE MEDICAID PLAN SERVICES. (a) In this section:  
(1) "Participant" means a recipient who participates in the pilot program.  
(2) "Pilot program" means the pilot program established by the commission under authority of this section.  
(3) "Medically tailored meal" means a meal designed by a registered dietician as part of a treatment plan to improve an individual's health outcomes and chronic disease management.  
(b) The commission may establish a pilot program under which 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

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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;

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

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

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

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

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

(2) recommendations for legislative or other action.

(f) The pilot program, if established, terminates August 31,

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2030.  
(g) This section expires September 1, 2031. [FA1]

SECTION 2. The changes in law made by this Act apply to a contract entered into or renewed on or after the effective date of this Act. A contract entered into or renewed before that date is governed by the law in effect on the date the contract was entered into or renewed, and **that law** is continued in effect for that purpose.

SECTION 2. The changes in law made by this Act apply to a contract entered into or renewed on or after the effective date of this Act. A contract entered into or renewed before that date is governed by the law in effect on the date the contract was entered into or renewed, and **the former law** is continued in effect for that purpose.

SECTION 3. If before implementing any provision of this Act 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 shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 3. Same as House version.

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

SECTION 4. Same as House version.