By: Menéndez S.B. No. 136

A BILL TO BE ENTITLED

AN ACT

relating to Medicaid coverage and reimbursement for seizure detection devices and a public awareness campaign related to those devices.

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

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.03142 to read as follows:

Sec. 32.03142. SEIZURE DETECTION DEVICES; AWARENESS CAMPAIGN. (a) In this section, "seizure detection device" means a telemonitoring device approved by the United States Food and Drug Administration, including any related service or subscription that supports the device's prescribed use, that:

(1) provides ongoing patient monitoring and alert services to detect seizure activity;

(2) transmits notice of a patient's seizure activity to a caregiver for appropriate medical response; or

(3) collects data on a patient's seizure activity for a health care provider to diagnose or appropriately treat a health care condition causing the seizure activity.

(b) The commission shall ensure medical assistance reimbursement is provided to cover in full the cost of a seizure detection device for a medical assistance recipient if the recipient's health care provider determines the device:

(1) is medically appropriate based on the recipient's

medical condition or status; and

(2) will likely:

(A) assist in reducing bodily harm to or death of the recipient as a result of a seizure; or

(B) provide data to the health care provider necessary to appropriately diagnose or treat the recipient's health condition causing the seizure activity.

(c) For purposes of providing reimbursement under this section, a seizure detection device is durable medical equipment and the commission shall ensure the reimbursement rate for related service and subscription fees is at least equal to the reimbursement rate for home telemonitoring services under Subchapter F, Chapter 548, Government Code.

(d) The commission shall conduct a biennial review of the seizure detection devices covered under this section and update the list of covered devices as necessary based on technology advancements and guidance issued by the United States Food and Drug Administration.

(e) The commission shall implement a statewide public awareness campaign to educate health care providers, medical assistance recipients, and the general public on the availability, benefits, and coverage of seizure detection devices and related services and subscriptions under this section.

(f) The campaign under Subsection (e) must be designed to:

(1) clearly inform health care providers and recipients that the full cost of seizure detection devices and related services and subscriptions for the device's use are

reimbursable under this section;

(2) emphasize the ability of seizure detection devices to help reduce the risk of seizure-related injuries and enhance the quality of life for individuals living with epilepsy and their families;

(3) provide essential information on sudden, unexpected death from epilepsy, including the associated risks and how seizure detection devices reduce the risk of sudden, unexpected death from epilepsy by enabling timely intervention during seizures; and

(4) provide resources for further education and support for those at risk of sudden, unexpected death from epilepsy.

SECTION 2. 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. This Act takes effect September 1, 2027.