

## **BILL ANALYSIS**

S.B. 750  
By: Kolkhorst  
Public Health  
Committee Report (Amended)

### **BACKGROUND AND PURPOSE**

During the 85th Legislature, legislation was enacted directing the improvement of maternal health data, including causes of death and morbidity, and the development of strategies to address the rates of maternal mortality and morbidity in Texas. There have been calls to build upon these efforts to address maternal mortality as detailed by the Health and Human Services Commission report on efforts to address maternal mortality and morbidity in Texas and to update Texas law to align with new federal legislation on maternal mortality review committees. S.B. 750 seeks to address these calls by setting out requirements relating to maternal and newborn health care and the quality of services provided to women in Texas under certain health care programs.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTIONS 2 and 24 of this bill.

### **ANALYSIS**

S.B. 750 amends the Government Code to require the Health and Human Services Commission (HHSC) to apply to the Centers for Medicare and Medicaid Services to receive any federal money available to implement a model of care that improves the quality and accessibility of care for pregnant women with opioid use disorder enrolled in Medicaid during the prenatal and postpartum periods and for their children after birth. These provisions expire September 1, 2021.

S.B. 750 amends the Health and Safety Code to require the executive commissioner of HHSC by rule to ensure that women receiving services under the Healthy Texas Women program are referred to and provided with information on the primary health care services program. The bill requires HHSC, in collaboration with Medicaid managed care organizations, to develop and implement cost-effective, evidence-based, and enhanced prenatal services for high-risk pregnant women covered under Medicaid. The bill requires HHSC to evaluate postpartum care services provided to women enrolled in the Healthy Texas Women program after the first 60 days of the postpartum period and, based on the evaluation, to develop an enhanced, cost-effective, and limited postpartum care services package for enrolled women to be provided after the first 60 days of the postpartum period and for a period of not more than 12 months after the date of program enrollment.

S.B. 750 adds temporary provisions set to expire September 1, 2021, requiring HHSC to assess:

- the feasibility and cost-effectiveness of contracting with Medicaid managed care organizations to provide Healthy Texas Women program services through managed care in one or more health care service regions in Texas if the Healthy Texas Women Section 1115 Demonstration Waiver is approved; and
- the potential impact of that delivery model on women receiving services under the program.

S.B. 750 requires HHSC to develop and implement strategies to ensure the continuity of care for women who transition from Medicaid and enroll in the Healthy Texas Women program and authorizes HHSC, in developing and implementing the strategies, to collaborate with health care providers participating in the program and Medicaid managed care organizations that provide health care services to pregnant women. The bill requires HHSC, using money from an available source designated by HHSC and in collaboration with those organizations and health care providers, to develop and implement a postpartum depression treatment network for women enrolled in Medicaid or in the Healthy Texas Women program.

S.B. 750 requires HHSC to develop or enhance statewide initiatives to improve the quality of maternal health care services and outcomes for women in Texas and to specify the initiatives that each Medicaid managed care organization must incorporate in the organization's managed care plans. The bill identifies issues the initiatives may address and authorizes a Medicaid managed care organization required to incorporate the initiatives in its managed care plans to incorporate any additional initiatives to improve the quality of maternal health care services for women receiving health care services through the organization. The bill requires HHSC to prepare and submit to the legislature and make available to the public an annual report that summarizes HHSC progress in developing or enhancing the initiatives and each Medicaid managed care organization's progress in incorporating the required initiatives in the organization's managed care plans. The bill authorizes HHSC to submit the report with its other annual report regarding quality-based outcomes and payments under Medicaid and the child health plan program.

S.B. 750 renames the Maternal Mortality and Morbidity Task Force as the Texas Maternal Mortality and Morbidity Review Committee and establishes that a reference in law to the task force means the review committee. The bill authorizes the secure disclosure of confidential information pertaining to a pregnancy-related death or severe maternal morbidity that is acquired by the Department of State Health Services (DSHS) that includes identifying information of an individual or health care provider to an appropriate federal agency for the limited purpose of complying with applicable requirements under the federal Preventing Maternal Deaths Act of 2018. The bill subjects the review committee to Sunset Advisory Commission review during the two-year period preceding the date DSHS is scheduled for abolition under the Texas Sunset Act and sets this requirement to expire September 1, 2025. The bill establishes that the review committee is abolished and related provisions expire September 1, 2027, unless continued in existence under the Texas Sunset Act.

S.B. 750 requires the executive commissioner, if the Centers for Medicare and Medicaid Services approves the Healthy Texas Women Section 1115 Demonstration Waiver submitted by the executive commissioner, to seek as soon as practicable after it is granted an amendment to the waiver to provide enhanced services under the Healthy Texas Women program. The bill requires the executive commissioner to adopt rules as necessary to implement the bill's provisions.

S.B. 750 establishes that HHSC is required to implement a provision of the bill only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, HHSC may, but is not required to, implement a provision of the bill using other appropriations available for that purpose.

S.B. 750 repeals Section 34.001(14), Health and Safety Code.

## **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

## **EXPLANATION OF AMENDMENTS**

### **Committee Amendment No. 1**

Committee Amendment No. 1 amends the Special District Local Laws Code to authorize the Midland County Hospital District of Midland County, Texas, to adopt, change the rate of, or abolish a sales and use tax at an election held in the district and to use revenue from the tax for any purpose of the district authorized by law. The amendment prohibits the district from adopting a sales and use tax or increasing the rate of the tax if as a result of the adoption of the tax or the tax increase the combined rate of all sales and use taxes imposed by the district and all other political subdivisions of the state having territory in the district would exceed two percent in any location in the district. The amendment makes the County Sales and Use Tax Act applicable to a district sales and use tax in the same manner as that act applies to the tax authorized by the act, except to the extent that a provision of the amendment applies.

Committee Amendment No. 1 authorizes the district to impose a sales and use tax in increments of one-eighth of one percent, with a minimum rate of one-eighth of one percent and a maximum rate of two percent, and to increase the rate of the tax to a maximum of two percent or decrease the rate of the tax to a minimum of one-eighth of one percent if the change is approved by a majority of the voters of the district at an election called for that purpose. The amendment establishes that an election to adopt, change the rate of, or abolish a district sales and use tax is called by the adoption of an order of the district's board of directors. The amendment authorizes the board to call an election on its own motion and requires the board to call an election if a number of qualified voters in the district equal to at least five percent of the number of registered voters in the district petition the board to call the election. The amendment establishes that the adoption, change in the rate of, or abolition of a tax under the amendment's provisions relating to sales and use tax takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete calendar quarter occurring after the date on which the comptroller of public accounts receives notice of the results of an election to adopt, change the rate of, or abolish the tax. If the comptroller determines that an effective date will occur before the comptroller can reasonably take the action required to begin collecting the tax or to implement the change in the rate of the tax or the abolition of the tax, the effective date may be extended by the comptroller until the first day of the next calendar quarter.

Committee Amendment No. 1 establishes that if the district is included within the boundaries of another taxing authority, defined by the amendment as any entity authorized to impose a local sales and use tax, and the adoption or increase in the rate of a district sales and use tax would result in a combined tax rate by the district and other political subdivisions of the state of more than two percent at any location in the district, an election to approve or increase the rate of the tax has no effect unless one or more of the other taxing authorities holds an election in accordance with the law governing that authority on the same date as the district election to reduce the tax rate of that authority to a rate that will result in a combined tax rate by the district and other political subdivisions of not more than two percent at any location in the district and the combined tax rate is reduced to not more than two percent as a result of that election. These provisions of the amendment expressly do not permit a taxing authority to impose taxes at differential tax rates within the territory of the authority.

Committee Amendment No. 1 amends the Tax Code to exclude the district's sales and use tax from the definition of "additional sales and use tax" applicable to property tax assessment provisions.