

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 465  
By: Ogden  
Human Services  
4/22/1999

Committee Report (Substituted)

### **DIGEST**

Currently, the Health and Human Services Commission (HHS) or a state agency operating part of the medical assistance program, has the authority, and in some cases, the responsibility, to provide medical assistance to certain persons, including minors. There is concern that allowing minor females to obtain birth control and other prescription drugs without their parents' knowledge disregards the psychological issues surrounding teenage sexual activity and potential low self esteem. This bill would clarify HHS's role by requiring parental consent before state-funded medical and dental services are provided to a child.

### **PURPOSE**

As proposed, C.S.S.B. 465 clarifies the authority of the Health and Human Services Commission regarding financial medical assistance, and requires guardian consent to state-funded medical and dental services.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Health and Human Services Commission or an agency operating part of the medical assistance program in SECTION 1 (Section 32.0242(b), Human Resources Code), of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 32B, Human Resources Code, by adding Section 32.0242, as follows:

Sec. 32.0242. CERTAIN PAYMENTS PROHIBITED. Prohibits the Health and Human Services Commission or an agency operating part of the medical assistance program (department), from using state funds to provide certain services to an eligible child without the consent of certain individuals. Requires the department to implement rules implementing this section. Sets forth a provision allowing care to be provided to a child, if the health care provider has obtained written consent that complies with certain deadlines. Provides an exception to this section for certain children.

SECTION 2. Authorizes the Health and Human Services Commission and certain state agencies to modify or suspend provisions of this Act only if they ascertain that implementation of this Act will result in a loss of federal funds, and if they receive certain written determination. Requires the entity which modifies or suspends implementation of this Act to report that fact to the governor and the Legislative Budget Board immediately.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Deletes existing SECTIONS 1 and 2, and adds Section 32.0242, Human Resources Code, regarding certain prohibited payments.

SECTION 2.

Redesignated from SECTION 3. Adds text regarding a written determination from a federal

agency. Makes nonsubstantive changes.

SECTION 3.

Redesignated from SECTION 4.

SECTION 4.

Redesignated from SECTION 5.