

BILL ANALYSIS

Senate Research Center

H.B. 1487
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under Texas Medicaid regulations, eligible diabetic patients are prohibited from receiving glucose testing supplies until a diabetic equipment or supply provider receives a Title XIX Durable Medical Equipment/Medical Supplies Physician Order Form that is accurately completed and signed by a prescribing physician.

H.B. 1487 aligns the state's procedural and substantive diabetic equipment and supply ordering requirements under the Medicaid program with those prescribed by the federal Medicare program in order to improve the timely access to glucose testing supplies. The bill reduces the administrative burden on physicians while advancing access to supplies needed by a diabetic patient for both short-term and long-term management of the patient's disease.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.099, as follows:

Sec. 531.099. ALIGNMENT OF MEDICAID DIABETIC EQUIPMENT AND SUPPLIES WRITTEN ORDER PROCEDURES WITH MEDICARE DIABETIC EQUIPMENT AND SUPPLIES WRITTEN ORDER PROCEDURES. (a) Requires the Health and Human Services Commission (HHSC) to review forms and requirements under the Medicaid program regarding written orders for diabetic equipment and supplies to identify variations between permissible ordering procedures under that program and ordering procedures available to providers under the Medicare program.

(b) Requires HHSC after conducting a review under Subsection (a), to the extent practicable, and in conformity with Chapter 157 (Authority of Physician to Delegate Certain Medical Acts), Occupations Code, and Chapter 483 (Dangerous Drugs), Health and Safety Code, to modify only forms, rules, and procedures applicable to orders for diabetic equipment and supplies under the Medicaid program to provide for an ordering system that is comparable to the ordering system for diabetic equipment and supplies under the Medicare program. Requires that the ordering system permit a diabetic equipment or supplies supplier to complete the forms by hand or to enter by electronic format medical information or supply orders into any form as necessary to provide the information required to dispense diabetic equipment or supplies.

(c) Authorizes a provider of diabetic equipment and supplies to bill and collect payment for the provider's services if the provider has a copy of the form that meets the requirements of Subsection (b) and that is signed by a medical practitioner licensed in this state to treat diabetic patients. Prohibits additional documentation from being required.

SECTION 2. Requires HHSC, if before implementing any provision of this Act HHSC determines that a waiver or authorization from a federal agency is necessary for implementation

of that provision, to request the waiver or authorization and is authorized to delay implementing that provision until the waiver or authorization is granted.

SECTION 3. Effective date: September 1, 2009.