

BILL ANALYSIS

Senate Research Center

S.B. 750
By: Kolkhorst
Health & Human Services
6/14/2019
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 85th Legislature passed S.B. 17 by Senator Kolkhorst, which directed the improvement of maternal health data, causes of death and morbidity, and the development of strategies to address the rates of maternal mortality and morbidity in Texas. The bill also reauthorized the Maternal Mortality and Morbidity Task Force until 2023.

S.B. 750 builds upon the successes of S.B. 17 by seeking to maximize Texas' efforts to address maternal mortality as detailed by the Health and Human Services Commission's report, *State Efforts to Address Maternal Mortality and Morbidity in Texas*, address the findings and recommendations of the Maternal Mortality and Morbidity Task Force, and update Texas law to align with new federal legislation on maternal mortality review committees. (Original Author's/Sponsor's Statement of Intent)

S.B. 750 amends current law relating to maternal and newborn health care and the quality of services provided to women in this state under certain health care programs.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 31.018, Health and Safety Code) and SECTION 24 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.0738, as follows:

Sec. 531.0738. APPLICATION FOR FUNDING TO IMPLEMENT MODEL OF CARE FOR CERTAIN MEDICAID RECIPIENTS. (a) Requires 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.

(b) Provides that this section expires September 1, 2021.

SECTION 2. Amends Chapter 31, Health and Safety Code, by adding Section 31.018, as follows:

Sec. 31.018. REFERRAL FROM HEALTHY TEXAS WOMEN PROGRAM TO PRIMARY HEALTH CARE SERVICES. (a) Defines "Healthy Texas Women program" for purposes of this section.

(b) Requires the executive commissioner of HHSC (executive commissioner) 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.

SECTION 3. Amends Chapter 32, Health and Safety Code, by adding Subchapters E and F, as follows:

SUBCHAPTER E. ENHANCED PRENATAL AND POSTPARTUM CARE SERVICES

Sec. 32.101. ENHANCED PRENATAL SERVICES FOR CERTAIN WOMEN. Requires HHSC, in collaboration with managed care organizations that contract with HHSC to provide health care services to medical assistance recipients under Chapter 533 (Medicaid Managed Care Program), Government Code, to develop and implement cost-effective, evidence-based, and enhanced prenatal services for high-risk pregnant women covered under the medical assistance program.

Sec. 32.102. EVALUATION AND ENHANCEMENT OF POSTPARTUM CARE SERVICES FOR CERTAIN WOMEN. (a) Defines "Healthy Texas Women program" for purposes of this section.

(b) 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.

(c) Requires HHSC, based on the HHSC evaluation under Subsection (b), to develop an enhanced, cost-effective, and limited postpartum care services package for women enrolled in the Healthy Texas Women program to be provided:

(1) after the first 60 days of the postpartum period; and

(2) for a period of not more than 12 months after the date of enrollment in the Healthy Texas Women program.

SUBCHAPTER F. DELIVERY AND IMPROVEMENT OF MATERNAL HEALTH CARE SERVICES INVOLVING MANAGED CARE ORGANIZATIONS

Sec. 32.151. DEFINITIONS. Defines "high-risk population," "Healthy Texas Women program," and "Medicaid managed care organization" for purposes of this subchapter.

Sec. 32.152. ASSESSING PROVISION OF HEALTHY TEXAS WOMEN PROGRAM SERVICES THROUGH MANAGED CARE. (a) Requires 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 this state if the Healthy Texas Women Section 1115 Demonstration Waiver is approved and to assess the potential impact of that delivery model on women receiving services under the program.

(b) Provides that this section expires September 1, 2021.

Sec. 32.153. CONTINUITY OF CARE FOR CERTAIN WOMEN ENROLLING IN HEALTHY TEXAS WOMEN PROGRAM. Requires HHSC to develop and implement strategies to ensure the continuity of care for women who transition from the medical assistance program and enroll in the Healthy Texas Women program. Authorizes HHSC, in developing and implementing strategies under this section, to collaborate with health care providers participating in the Healthy Texas Women program and Medicaid managed care organizations that provide health care services to pregnant women.

Sec. 32.154. POSTPARTUM DEPRESSION TREATMENT NETWORK. Requires HHSC, using money from an available source designated by HHSC, in collaboration with Medicaid managed care organizations and health care providers participating in the Healthy Texas Women program, to develop and implement a postpartum depression

treatment network for women enrolled in the medical assistance or the Healthy Texas Women program.

Sec. 32.155. STATEWIDE INITIATIVES TO IMPROVE QUALITY OF MATERNAL HEALTH CARE. (a) Defines "social determinants of health" for purposes of this section.

(b) Requires HHSC to develop or enhance statewide initiatives to improve the quality of maternal health care services and outcomes for women in this state. Requires HHSC to specify initiatives that contracting managed care organizations are required to incorporate in the organization's managed care plans. Authorizes the initiatives to address certain priorities.

(c) Authorizes a managed care organization required to incorporate the initiatives in the organization's managed care plans under Subsection (b) to incorporate any additional initiatives to improve the quality of maternal health care services for women receiving health care services through the organization.

(d) Requires HHSC to prepare and submit to the legislature and make available to the public an annual report that summarizes certain information.

(e) Authorizes HHSC to submit the report under Subsection (d) with the report required under Section 536.008 (Annual Report), Government Code.

SECTION 4. Amends the heading to Chapter 34, Health and Safety Code, to read as follows:

CHAPTER 34. TEXAS MATERNAL MORTALITY AND MORBIDITY REVIEW COMMITTEE

SECTION 5. Amends Section 34.001, Health and Safety Code, by adding Subdivision (12-a) to define "review committee" as the Texas Maternal Mortality and Morbidity Review Committee.

SECTION 6. Amends Sections 34.002, 34.003, 34.004, and 34.005, Health and Safety Code, as follows:

Sec. 34.002. New heading: TEXAS MATERNAL MORTALITY AND MORBIDITY REVIEW COMMITTEE. (a) Provides that the review committee, rather than the Maternal Mortality and Morbidity Task Force (task force), is administered by the Department of State Health Services (DSHS).

(b)-(f) Makes conforming changes to these subsections.

Sec. 34.003. TERMS; VACANCY. (a)-(c) Makes conforming changes to these subsections.

Sec. 34.004. MEETINGS. (a)-(c) Makes conforming changes to these subsections.

Sec. 34.005. New heading: DUTIES OF REVIEW COMMITTEE. Makes conforming changes.

SECTION 7. Amends Section 34.0055(a), Health and Safety Code, to make a conforming change.

SECTION 8. Amends Section 34.006, Health and Safety Code, to make conforming changes.

SECTION 9. Amends Sections 34.007(a) and (c), Health and Safety Code, to make conforming changes.

SECTION 10. Amends Section 34.008, Health and Safety Code, by amending Subsections (a) and (b) and adding Subsection (c-1), as follows:

(a) and (b) Makes conforming changes to these subsections.

(c-1) Requires a hospital, birthing center, or other custodian of the records, not later than the 30th business day after receiving a request from DSHS for records regarding a pregnancy-related death for a specific patient, to submit the records to DSHS. Requires a request made under this subsection to a hospital or birthing center to be limited to a patient's medical records.

SECTION 11. Amends Sections 34.009, Health and Safety Code, by amending Subsections (b), (c), (d), (e), and (h), and adding Subsection (b-1), as follows:

(b) Provides that, except as provided by Subsection (b-1), confidential information that is acquired by DSHS and that includes identifying information of an individual or health care provider is privileged and is prohibited from being disclosed to any person.

(b-1) Authorizes confidential information that is acquired by DSHS under this section (Confidentiality; Privilege) that includes identifying information of an individual or health care provider to be securely disclosed to an appropriate federal agency for the limited purpose of complying with applicable requirements under the federal Preventing Maternal Deaths Act of 2018 (Pub. L. No. 115-344).

(c), (d), (e), and (h) Makes conforming changes to these subsections.

SECTION 12. Amends Section 34.010, Health and Safety Code, to make a conforming change.

SECTION 13. Amends Section 34.011(a), Health and Safety Code, to make conforming changes.

SECTION 14. Amends Sections 34.012(a) and (c), Health and Safety Code, to make conforming changes.

SECTION 15. Amends Section 34.014, Health and Safety Code, to make a conforming change.

SECTION 16. Amends Sections 34.015(a) and (b), Health and Safety Code, to make conforming changes.

SECTION 17. Amends Section 34.0155, Health and Safety Code, to make a conforming change.

SECTION 18. Amends Section 34.0156(a), Health and Safety Code, to make a conforming change.

SECTION 19. Amends Section 34.017(b), Health and Safety Code, to make a conforming change.

SECTION 20. Amends Section 34.018, Health and Safety Code, as follows:

Sec. 34.018. SUNSET PROVISION. (a) Creates this subsection from existing text. Provides that, unless continued in existence as provided by Chapter 325 (Sunset Law), Government Code, the review committee, rather than the task force, is abolished and this chapter expires September 1, 2027, rather than September 1, 2023. Makes a conforming change.

(b) Requires the Sunset Advisory Commission to review the review committee during the two-year period preceding the date DSHS is scheduled for abolition under Section 1001.003 (Sunset Provision), but provides that the review committee is continued in existence until the date provided by Subsection (a). Provides that this section expires September 1, 2025.

SECTION 21. Amends Section 1001.0712(c), Health and Safety Code, to make conforming changes.

SECTION 22. Repealer: Section 34.001(14) (relating to the definition of "task force"), Health and Safety Code.

SECTION 23. Defines "Healthy Texas Women program" for purposes of this section.

(b) Requires the executive commissioner, if the Centers for Medicare and Medicaid Services approves the waiver submitted by the executive commissioner under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315) for the Healthy Texas Women Section 1115 Demonstration Waiver to, as soon as practicable after the waiver is granted, seek an amendment to the waiver to provide enhanced services under the Healthy Texas Women program.

SECTION 24. Requires, as soon as practicable after the effective date of this Act:

(1) the executive commissioner to adopt rules as necessary to implement the changes in law made by this Act; and

(2) HHSC to apply for any federal money available to implement the model of care described by Section 531.0738, Government Code, as added by this Act.

SECTION 25. Provides that, on the effective date of this Act:

(1) the Maternal Mortality and Morbidity Task Force is renamed the Texas Maternal Mortality and Morbidity Review Committee; and

(2) a reference in law to the task force means the review committee.

SECTION 26. Requires a state agency affected by a provision of this Act to request a waiver or authorization from a federal agency if the state agency determines that such a waiver or authorization is necessary for implementation of this Act, and authorizes a delay of implementation until such a waiver or authorization is granted.

SECTION 27. Provides that HHSC is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, HHSC, if the legislature does not appropriate money specifically for that purpose, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 28. Effective date: upon passage or September 1, 2019.