

## **BILL ANALYSIS**

Senate Research Center  
88R11490 JG-D

H.B. 4888  
By: Hefner (Perry)  
Health & Human Services  
5/15/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The state's Medicaid program does not properly reimburse providers who provide outpatient department (OPD) services and prescribe non-opioid treatments. H.B. 4888 seeks to resolve this issue by requiring that a provider who provides OPD services be reimbursed separately under Medicaid for any non-opioid treatment provided as a part of those services to the extent permitted by federal law. The bill assigns "OPD services" the definition provided under provisions of the federal Social Security Act relating to Medicaid payments for hospital outpatient department services and defines "non-opioid treatment" to mean the following:

- a drug or biological product that is indicated to produce analgesia without acting on the body's opioid receptors; or
- an implantable, reusable, or disposable medical device that is FDA-approved for the intended use of eliminating or reducing pain and that has demonstrated the ability to replace, reduce, or avoid opioid use.

The bill provides for the delayed implementation of any provision for which an applicable state agency determines a federal waiver or authorization is necessary for implementation until the waiver or authorization is requested and granted.

H.B. 4888 amends current law relating to Medicaid coverage and reimbursement for non-opioid treatments.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 32.03117, Human Resources Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 32, Human Resources Code, by adding Section 32.03117, as follows:

Sec. 32.03117. REIMBURSEMENT FOR NON-OPIOID TREATMENTS. (a) Defines "non-opioid treatment" and "OPD services."

(b) Requires the Health and Human Services Commission (HHSC) to ensure that medical assistance reimbursement is provided to a provider who provides a non-opioid treatment to a recipient under the medical assistance program.

(c) Requires the executive commissioner of HHSC by rule to ensure that, to the extent permitted by federal law, a provider who provides OPD services to a medical assistance recipient is reimbursed separately under the medical assistance program for any non-opioid treatment provided as a part of those services.

SECTION 2. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes a delay of implementation until such a waiver or authorization is granted.

SECTION 3. Effective date: September 1, 2023.