

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1165  
By: Zaffirini  
Health & Human Services  
4-18-97  
Committee Report (Substituted)

### **DIGEST**

Currently, children with special health care needs are given no special consideration and must enroll along with all Medicaid-eligible patients in the Medicaid managed care pilot programs that are being rolled out across the state. The Senate Committee on Health and Human Services recommended in a report that the Health and Human Services Commission give special consideration to children with special health care needs to ensure that these children are being adequately served by the state Medicaid program. To accomplish this goal, this bill requires the commission to develop a standard operational definition of children with special health care needs, to develop a pilot program for children with special health care needs to determine the best way to serve these children in a managed care setting, and to allow the children with special health care needs to voluntarily enroll in Medicaid managed care.

### **PURPOSE**

As proposed, C.S.S.B. 1165 sets forth the provisions and exceptions of managed care under the state Medicaid program for children with special health care needs.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Health and Human Services Commission in SECTION 1.01 (Section 16A(p), Article 4413(502), V.T.C.S.) and in SECTION 2.01 (Section 532.112(c), Chapter 532B, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1.01. Amends Section 16A, Article 4413(502), V.T.C.S., by amending Subsection (n) and adding Subsections (o)-(q), to require the Health and Human Services Commission (commission), in cooperation with the Texas Department of Health, to perform certain duties. Prohibits the commission from requiring a child with special health care needs who receives supplemental security income from the federal government to enroll in a managed care plan to receive health care services provided under the state Medicaid program. Authorizes the commission to require children with special health care needs or classes of children with special health care needs to enroll in a managed care plan or primary care case management program in a geographic service area of the state Medicaid program if the commission makes certain determinations. Requires the commission, in cooperation with the Texas Department of Health, by rule, to prescribe qualifications for classification of a child as a "child with special health care needs" for purposes of Subsections (n) and (o) of this section. Sets forth types of disabilities the commission must include in prescribing qualifications for children. Makes a conforming change.

SECTION 2.01. Amends Chapter 532B, Government Code, by adding Section 532.112, as follows:

Sec. 532.112. CHILDREN WITH SPECIAL HEALTH CARE NEEDS. Makes conforming changes.

SECTION 3.01. Provides that Article 1 of this Act takes effect on the first date that it may take effect under Section 39, Article III, Texas Constitution.

SECTION 3.02. Provides that if H.B. 1845 or S.B. 898 becomes law, Sections 16A(n)-(q), Article

4413(502), V.T.C.S., as amended or added by Article 1 of this Act, expire September 1, 1997.

SECTION 3.03. Provides that Article 2 of this Act takes effect September 1, 1997, but only if H.B. 1845 or S.B. 898, Acts of the 75th Legislature, Regular Session, 1997, relating to nonsubstantive additions to and corrections in enacted codes, becomes law.

SECTION 3.04. Emergency clause.  
Effective date: upon passage.

## **SUMMARY OF COMMITTEE CHANGES**

### SECTION 1.01.

Deletes a provision prohibiting the commission from requiring a child with special health care needs who is eligible for medical assistance under Chapter 32, Human Resources Code, to enroll in a managed care plan to receive health care services. Sets forth new provisions for which the commission and the Texas Department of Health are responsible. Prohibits the commission from requiring a child with special health care needs who receives supplemental security income from the federal government to enroll in a managed care plan to receive health care services provided under the state Medicaid program. Authorizes the commission to require children with special health care needs or classes of children with special health care needs to enroll in a managed care plan or primary care case management program in a geographic service area of the state Medicaid program if the commission makes certain determinations. Requires the commission to prescribe qualifications for classification of a child as a "child with special health care needs" for purposes of Subsections (n) and (o), rather than Subsection (n), of this section.

### SECTION 2.01.

Deletes a provision requiring this section to expire September 1, 2001. Makes conforming changes.

### SECTION 3.01.

Provides that Article 1 of this Act takes effect on the first date that it may take effect under Section 39, Article III, Texas Constitution, rather than if H.B. 1845 or S.B. 898 does not take effect.

### SECTION 3.02.

Deletes proposed effective clause regarding Article 2. Provides that if H.B. 1845 or S.B. 898 becomes law, Sections 16A(n)-(q), Article 4413(502), V.T.C.S., as amended or added by Article 1 of this Act, expire September 1, 1997.

### SECTION 3.03.

Redesignates effective date clause to SECTION 3.04. Sets forth a provision regarding the effective date of Article 2.

### SECTION 3.04.

Redesignated from SECTION 3.03.

### Amendment 1.

Page 2, line 3, delete "or primary care case management program".

Page 2, line 6, delete "other".

Page 4, line, 1, delete "other".