

BILL ANALYSIS

Senate Research Center
76R5031 KKA-F

S.B. 465
By: Ogden
Human Services
4/12/1999
As Filed

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 the HHS' role by requiring parental consent before state funded medical services are provided to a child, and allowing medical assistance only if permitted under state law.

PURPOSE

As proposed, S.B. 465 clarifies the authority of the Health and Human Services Commission regarding providing financial medical assistance, and requires guardian consent to state funded medical services, including prescription drugs, which are provided to a child.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 32.002, Human Resources Code, by adding Subsection (c), as follows:

- (c) Prohibits this chapter from being interpreted to require that state money be used to provide medical care to a child without required guardian consent.

SECTION 2. Amends Section 32.024, Human Resources Code, by amending Subsections (a) and (b) and adding Subsection (v), as follows:

- (a) Requires the Health and Human Services Commission (HHS) or an agency operating as apart of the medical assistance program, to provide medical assistance to certain persons if permitted under state law.
- (b) Authorizes the HHS to provide medical assistance to persons financially unable to pay the cost if the provision of medical assistance for these persons is permitted under state law.
- (v) Prohibits the HHS from using state money to provide prescription drugs to a child without required guardian consent. Sets forth circumstances under which a child is exempted from this section.

SECTION 3. Authorizes the HHS to modify or suspend provisions of this Act if they ascertain that implementation of this Act will result in a loss of federal funds. Requires the entity which modifies or suspends implementation of this Act to report that fact to the governor and Legislative Budget Board immediately.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.