

## **BILL ANALYSIS**

Senate Research Center  
80R3500 CLG-D

S.B. 569  
By: Deuell  
Health & Human Services  
4/2/2007  
As Filed

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

Under current law, the Medicaid Primary Care Case Management program (program), operating exclusively in Texas' rural areas, is exempted by interpretation from the requirement that managed care organizations reimburse a federally-qualified health center (health center) or a rural health clinic for service provided outside of regular business hours if the patient's primary care provider does not provide the patient with a referral. Often, during after-hours clinics, health centers and rural health clinics see patients not assigned to them and who come without referrals. If the patient's assigned primary care provider is not readily available to refer the patient, the claims of the health centers and rural health clinics may be rejected.

As proposed, S.B. 569 requires the Health and Human Services Commission to reimburse health centers and rural health clinics for care provided outside regular business hours to Medicaid recipients participating in the program without a referral from the patient's primary care provider. This bill provides that health centers and clinics that remain open outside of regular business hours are eligible for certain incentives.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 533.01315, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 533, Government Code, by adding Section 533.01315, as follows:

Sec. 533.01315. REIMBURSEMENT FOR SERVICES PROVIDED OUTSIDE OF REGULAR BUSINESS HOURS. (a) Provides that this section applies only to a recipient receiving medical assistance through any Medicaid managed care model or arrangement (recipient).

(b) Requires the Health and Human Services Commission (HHSC) to ensure that a federally qualified health center or rural health clinic is reimbursed for health care services (services) provided to a recipient outside of regular business hours, including a weekend or holiday, equal to the rate allowed for those services by Section 32.028 (Fees, Charges, and Rates), Human Resources Code, regardless of whether the recipient has a referral from the recipient's primary care physician.

(c) Requires the executive commissioner of HHSC to adopt rules regarding the days, times of days, and holidays that are considered to be outside of regular business hours for the purposes of Subsection (b).

SECTION 2. Authorizes a state agency to delay implementing a provision of this Act until a requested federal waiver or authorization necessary to implement that provision is obtained.

SECTION 3. Effective date: September 1, 2007.