

## **BILL ANALYSIS**

Senate Research Center  
86R13884 KLA-D

S.B. 1564  
By: West  
Health & Human Services  
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As Filed

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

In the United States, over 900,000 physicians can write prescriptions for opioids, but only 32,000 can write prescriptions for opioid antagonists, such as buprenorphine. In Texas, less than 40 percent of people with a substance use disorder have access to a provider who can prescribe them buprenorphine, which ranks 37th among all states (PEW, 2016 <<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/01/15/few-doctors-are-willing-able-to-prescribe-powerful-anti-addiction-drugs>>).

The SUPPORT Act was signed into federal law in October 2018. It directs funding to federal agencies and states to increase access to addiction treatment and supports interventions to help mitigate the opioid crisis. Under federal law, nurse practitioners, physician assistants, clinical nurse specialists, certified registered nurse anesthetists, and certified nurse midwives all have the authority to prescribe buprenorphine.

S.B. 1564 would align Texas Medicaid policy with federal law by using the federal definition of "qualifying practitioner," which includes physicians, physician assistants, nurse practitioners, clinical nurse specialists, certified registered nurse anesthetists, and certified nurse midwives. This would allow these practitioners to prescribe buprenorphine, a common medication-assisted treatment for substance use disorders. S.B. 1564 would also direct the Health and Human Services Commission to amend policies and manuals that would allow for Medicaid reimbursement to these qualifying practitioners who prescribe buprenorphine.

As proposed, S.B. 1564 amends current law relating to access to medication-assisted treatment for opioid use disorder under Medicaid.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. (a) Defines "qualifying practitioner" for purposes of this section.

(b) Requires the Health and Human Services Commission (HHSC), not later than November 1, 2019, to amend HHSC's Medicaid Substance Use Disorder Services Medical Policy and any other provider or claims payment policy or manual necessary to authorize Medicaid medical benefits reimbursement for the prescribing of buprenorphine for the treatment of an opioid use disorder by an advanced practice registered nurse recognized by the Texas Board of Nursing as a clinical nurse specialist, nurse anesthetist, or nurse midwife, provided that the advanced practice registered nurse:

(1) is a qualifying practitioner; and

(2) has obtained a waiver from registration requirements as provided by 21 U.S.C. Section 823(g).

SECTION 2. Effective date: upon passage or September 1, 2019.