

BILL ANALYSIS

Senate Research Center
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S.B. 747
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas public health laboratory tests nearly 400,000 infants each year for 53 disorders or medical conditions. The lab is currently experiencing a gap in funding to maintain current levels of screening and functionality.

The Department of State Health Services (DSHS) currently does not post the cost of newborn screening testing, nor is the cost routinely updated. Further, providers face uncertainty with cost reimbursements for state-required testing.

S.B. 747 ensures DSHS publicly posts and updates the costs of newborn screenings. The bill also prohibits a health insurance plan from limiting reimbursement to providers who administer state-required newborn screening tests.

Key Provisions

S.B. 747 directs DSHS to post publicly on the agency's website the costs of newborn screening kits. DSHS is also required to provide a 90-day notice before changing the cost of the kits.

The bill also prohibits a health benefit plan that provides maternity benefits or accident and health coverage for additional newborn children from excluding or limiting coverage for newborn screenings.

As proposed, S.B. 747 amends current law relating to required notice of the cost and health benefit plan coverage of newborn screening tests.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission (executive commissioner) in SECTION 4 of this bill.

Rulemaking authority previously granted to the Texas Department of Health is transferred to the executive commissioner in SECTION 2 (Section 1271.154, Insurance Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 33, Health and Safety Code, by adding Section 33.019, as follows:

Sec. 33.019. NOTICE OF COST. (a) Requires the Department of State Health Services (DSHS) to publish on its Internet website the cost of a newborn screening test kit to be used to comply with the test requirements of Section 33.011 (Test Requirement).

(b) Authorizes DSHS to change the cost published under Subsection (a) not later than the 90th day before the date DSHS publishes notice of the change on its Internet website. Requires DSHS, if DSHS changes the cost under this subsection, to retain a record of the previous cost until the first anniversary of the date of the change.

SECTION 2. Amends Section 1271.154, Insurance Code, as follows:

Sec. 1271.154. WELL-CHILD CARE FROM BIRTH. (a) Amends the definition of "well-child care from birth" to include administration of newborn screening required by DSHS and the cost of the newborn screening test kit described by Section 33.019, Health and Safety Code.

(b) Requires a health maintenance organization to ensure that each health care plan provided by the health maintenance organization includes well-child care from birth that complies with:

(1) makes no changes to this subdivision;

(2) the rules adopted by the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC), rather than the Texas Department of Health, to implement those requirements, including rules on the cost of the newborn screening test kit described by Section 33.019, Health and Safety Code.

SECTION 3. Amends Section 1367.003, Insurance Code, as follows:

Sec. 1367.003. CERTAIN LIMITATIONS ON COVERAGE FOR NEWBORN CHILDREN PROHIBITED. Prohibits a health benefit plan that provides maternity benefits or accident and health coverage for additional newborn children from being issued in this state if the plan excludes or limits certain coverage including coverage for administration of the newborn screening tests required by Section 33.011, Health and Safety Code, including for the cost of a newborn screening test kit in the amount provided by DSHS on its Internet website under Section 33.019 of that code on the date the test was administered.

SECTION 4. Requires the executive commissioner, as soon as practicable after the effective date of this Act, to adopt rules necessary to implement this Act.

SECTION 5. Makes application of this Act prospective to January 1, 2020.

SECTION 6. Effective date: September 1, 2019.