

## **BILL ANALYSIS**

Senate Research Center  
82R1374 KFF-D

S.B. 874  
By: Fraser  
Health & Human Services  
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As Filed

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

Under current law, when orthotic and prosthetic suppliers enroll in Texas Medicaid, they are classified as a durable medical equipment supplier with a specialty of providing in-home hyperalimentation supplies. However, hyperalimentation suppliers provide supplies to individuals who require long-term nutritional support because of extensive bowel resection or severe abdominal bowel disease.

This inaccurate classification makes it hard for patients to locate these specialized health care providers within the Medicaid provider directory when they need to obtain orthotic and prosthetic care.

Orthotists and prosthetists are licensed health care providers. They and the facilities in which they serve their patients are subject to the oversight and regulation of the Texas Board of Orthotics and Prosthetics.

S.B. 874 requires the Health and Human Services Commission (HHSC) to establish a separate provider type for prosthetic and orthotic providers for purposes of enrollment as a provider under Medicaid. This bill prohibits HHSC or an agency operating part of the medical assistance program, as appropriate, from classifying prosthetic and orthotic providers under the durable medical equipment provider type.

S.B. 874 does not expand coverage or the scope for orthotists or prosthetists or for orthotic and prosthetic suppliers.

As proposed, S.B. 874 amends current law relating to establishing a separate provider type for prosthetic and orthotic providers under the medical assistance program.

### **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. Amends Section 32.024, Human Resources Code, by adding Subsection (ff), as follows:

(ff) Requires the Health and Human Services Commission (HHSC) or an agency operating part of the medical assistance program, as appropriate, to establish a separate provider type for prosthetic and orthotic providers for purposes of enrollment as a provider of and reimbursement under the medical assistance program. Prohibits HHSC from classifying prosthetic and orthotic providers under the durable medical equipment provider type.

SECTION 2. Requires HHSC, as soon as practicable after the effective date of this Act, to establish and implement a separate provider type for prosthetic and orthotic providers as required by Section 32.024(ff), Human Resources Code, as added by this Act.

SECTION 3. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes a delay of implementation until such a waiver or authorization is granted.

SECTION 4. Effective date: upon passage or September 1, 2011.