

BILL ANALYSIS

Senate Research Center

S.B. 750
By: Kolkhorst
Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 85th Legislature passed S.B. 17 by Senator Kolkhorst, which directed the improvement of maternal health data, causes of death and morbidity, and the development of strategies to address the rates of maternal mortality and morbidity in Texas. The bill also reauthorized the Maternal Mortality and Morbidity Task Force until 2023.

S.B. 750 builds upon the successes of S.B. 17 by seeking to maximize Texas' efforts to address maternal mortality as detailed by the Health and Human Services Commission's report, *State Efforts to Address Maternal Mortality and Morbidity in Texas*, address the findings and recommendations of the Maternal Mortality and Morbidity Task Force, and update Texas law to align with new federal legislation on maternal mortality review committees.

As proposed, S.B. 750 amends current law relating to maternal and newborn health care and the quality of services provided to women in this state under certain health care programs.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 (Section 32.155, Health and Safety Code) and SECTION 25 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 61, Education Code, by adding Section 61.05123, as follows:

Sec. 61.05123. GUIDELINES FOR MATERNAL AND NEONATAL MEDICAL RESIDENCY TRAINING PROGRAMS. (a) Requires the Texas Higher Education Coordinating Board (THECB) to develop best practice guidelines for maternal and neonatal medical residency training programs.

(b) Requires THECB to publish the guidelines developed under Subsection (a) on the THECB Internet website.

SECTION 2. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.0738, as follows:

Sec. 531.0738. APPLICATION FOR FUNDING TO IMPLEMENT MODEL OF CARE FOR CERTAIN MEDICAID RECIPIENTS. (a) Requires the Health and Human Services Commission (HHSC) to apply to the Centers for Medicare and Medicaid Services to receive any federal money available to implement a model of care that improves the quality and accessibility for care for pregnant women with opioid use disorder enrolled in Medicaid during the prenatal and postpartum periods and for their child after birth.

(b) Provides that this section expires September 1, 2021.

SECTION 3. Amends Chapter 32, Health and Safety Code, by adding Subchapters E and F, as follows:

SUBCHAPTER E. ENHANCED PRENATAL AND POSTPARTUM CARE SERVICES

Sec. 32.101. ENHANCEMENT PROGRAM FOR PRENATAL CARE SERVICES FOR CERTAIN WOMEN. Requires HHSC, in collaboration with managed care organizations that contract with HHSC under Chapter 533 (Medicaid Managed Care Program), Government Code, to develop and implement a cost-effective, evidence-based program to deliver enhanced prenatal care services to high-risk pregnant women covered under the medical assistance program.

Sec. 32.102. EVALUATION AND ENHANCEMENT OF POSTPARTUM CARE SERVICES FOR CERTAIN WOMEN. (a) Provides that in this section, "Healthy Texas Women program" means a program operated by HHSC that is substantially similar to the demonstration project operated under former Section 32.0248 (Demonstration Project for Women's Health Care Services), Human Resources Code, and that is intended to expand access to preventive health and family planning services for women in this state.

(b) Requires HHSC to evaluate postpartum care services provided to women enrolled in the Healthy Texas Women program after the first 60 days of the postpartum period.

(c) Requires HHSC, based on the HHSC evaluation under Subsection (b), to develop an enhanced, cost-effective, and limited postpartum care services package for women enrolled in the Healthy Texas Women program to be provided after the first 60 days of the postpartum period.

SUBCHAPTER F. DELIVERY AND IMPROVEMENT OF MATERNAL HEALTH CARE SERVICES INVOLVING MANAGED CARE ORGANIZATIONS

Sec. 32.151. DEFINITION. Defines "Healthy Texas Women program."

Sec. 32.152. COORDINATION OF TRANSITION OF CARE. (a) Requires a managed care organization that contracts with HHSC under Chapter 533, Government Code, subject to the eligibility requirements of the Healthy Texas Women program, to provide health care services under the medical assistance program to coordinate the transition of care from the medical assistance program to the Healthy Texas Women program for women who will lose eligibility for benefits under the medical assistance program.

(b) Requires HHSC, when possible, to seek to provide continuity of care during the transition described by Subsection (a) between health care providers in the provider network of a managed care organization described by that subsection and health care providers participating in the Healthy Texas Women program.

Sec. 32.153. POSTPARTUM DEPRESSION TREATMENT NETWORK. Requires HHSC, using money from an available source designated by HHSC, in collaboration with managed care organizations that contract with HHSC under Chapter 533, Government Code, to provide health care services under the medical assistance program and providers participating in the Healthy Texas Women program, and to develop and implement a postpartum depression treatment network for women enrolled in the medical assistance or the Healthy Texas Women program.

Sec. 32.154. STATEWIDE INITIATIVES TO IMPROVE QUALITY OF MATERNAL HEALTH CARE. (a) Requires HHSC to develop statewide initiatives to improve the quality of maternal health care services for women in this state. Requires each managed care organization that contracts with HHSC to provide health care services in this state to incorporate the initiatives in the organization's managed care plans.

(b) Authorizes a managed care organization required to incorporate the initiatives in the organization's managed care plans under Subsection (a) to incorporate any additional initiatives to improve the quality of maternal health care services for women receiving health care services through the organization.

Sec. 32.155. TRAINING ON SOCIAL DETERMINANTS OF HEALTH AND USE OF COMMUNITY RESOURCES; REPORT. (a) Defines "social determinants of health."

(b) Requires the executive commissioner of HHSC (executive commissioner) by rule to require each managed care organization that contracts with HHSC to provide health care services in this state to employ specialized staff who are trained on social determinants of health and to use available community resources to address maternal health care disparities that exist for minority women and other high-risk populations of women designated by HHSC.

(c) Requires HHSC to prepare and submit a report to the legislature that outlines the efforts made by managed care organizations to address maternal health care disparities under Subsection (b), not later than September 1 of each even-numbered year.

Sec. 32.156. ENROLLMENT OF CERTAIN PARTICIPANTS IN MANAGED CARE. Requires HHSC to immediately enroll a pregnant woman in a managed care plan offered by a managed care organization providing services under the program for which the woman is eligible instead of initially providing prenatal care services to the woman on a fee-for-service basis.

SECTION 4. Amends the heading to Chapter 34, Health and Safety Code, to read as follows:

CHAPTER 34. TEXAS MATERNAL MORTALITY AND MORBIDITY REVIEW COMMITTEE

SECTION 5. Amends Section 34.001, Health and Safety Code, by adding Subdivision (12-a) to define "review committee."

SECTION 6. Amends Sections 34.002, 34.003, 34.004, and 34.005, Health and Safety Code, as follows:

Sec. 34.002. New heading: TEXAS MATERNAL MORTALITY AND MORBIDITY REVIEW COMMITTEE. (a) Provides that the Texas Maternal Mortality and Morbidity Review Committee (review committee), rather than the Maternal Mortality and Morbidity Task Force (task force), is administered by the Department of State Health Services (DSHS).

(b)–(f) Makes conforming changes.

Sec. 34.003. TERMS; VACANCY. (a)–(c) Makes conforming changes.

Sec. 34.004. MEETINGS. (a)–(c) Makes conforming changes.

Sec. 34.005. New heading: DUTIES OF REVIEW COMMITTEE. Makes conforming changes.

SECTION 7. Amends Section 34.0055(a), Health and Safety Code, to make a conforming change.

SECTION 8. Amends Section 34.006, Health and Safety Code, to make conforming changes.

SECTION 9. Amends Sections 34.007(a) and (c), Health and Safety Code, to make conforming changes.

SECTION 10. Amends Sections 34.008(a) and (c), Health and Safety Code, to make conforming changes.

SECTION 11. Amends Sections 34.009(c), (d), (e), and (h), Health and Safety Code, to make conforming changes.

SECTION 12. Amends Section 34.010, Health and Safety Code, to make a conforming change.

SECTION 13. Amends Section 34.011(a), Health and Safety Code, to make conforming changes.

SECTION 14. Amends Sections 34.012(a) and (c), Health and Safety Code, to make conforming changes.

SECTION 15. Amends Section 34.014, Health and Safety Code, to make a conforming change.

SECTION 16. Amends Sections 34.015(a) and (b), Health and Safety Code, to make conforming changes.

SECTION 17. Amends Section 34.0155, Health and Safety Code, to make a conforming change.

SECTION 18. Amends Section 34.0156(a), Health and Safety Code, to make a conforming change.

SECTION 19. Amends Section 34.017(b), Health and Safety Code, to make a conforming change.

SECTION 20. Amends Section 34.018, Health and Safety Code, as follows:

Sec. 34.018. SUNSET PROVISION. (a) Provides that unless continued in existence as provided by that chapter, the review committee, rather than the task force, is abolished and this chapter expires September 1, 2027, rather than September 1, 2023. Makes a conforming change.

(b) Requires the Sunset Advisory Commission to review the review committee during the two-year period preceding the date the department is scheduled for abolition under Section 1001.003 (Sunset Provision), but provides that the review committee is continued in existence until the date provided by Subsection (a). Provides that this section expires September 1, 2025.

SECTION 21. Amends Section 1001.0712(c), Health and Safety Code, to make conforming changes.

SECTION 22. Repealer: Section 34.001(14) (relating to the definition of "task force"), Health and Safety Code.

SECTION 23. (a) Defines "Healthy Texas Women program"

(b) Requires the executive commissioner of HHSC, as soon as practicable after the waiver is granted, to seek an amendment to the waiver to provide enhanced services under the Healthy Texas Women program if the Centers for Medicare and Medicaid Services approves the waiver submitted by the executive commissioner under Section 1115 of the federal Social Security Act (42 U.S.C. Section 1315) for the Healthy Texas Women Section 1115 Demonstration Waiver.

SECTION 24. Require HHSC to submit the first report required under Section 32.155(c), Health and Safety Code, as added by this Act, not later than September 1, 2020.

SECTION 25. Provides that as soon as practicable after the effective date of this Act:

(1) THECB is required to develop and publish the guidelines required under Section 61.05123, Education Code, as added by this Act;

(2) the executive commissioner is required to adopt rules as necessary to implement the changes in law made by this Act; and

(3) HHSC is required to apply for any federal money available to implement the model of care described by Section 531.0738, Government Code, as added by this Act.

SECTION 26. Provides that on the effective date of this Act:

(1) the Maternal Mortality and Morbidity Task Force is renamed the Texas Maternal Mortality and Morbidity Review Committee; and

(2) a reference in law to the task force means the review committee.

SECTION 27. 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 28. Effective date: upon passage or September 1, 2019.