

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 30, 2009


Date

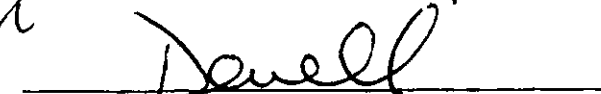
Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives


Sirs:


We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2163 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



SENATOR CARLOS URESTI, CHAIR


SENATOR BOB DEUELL

SENATOR JUDITH ZAFFIRANI


SENATOR JANE NELSON



On the part of the Senate
SENATOR POKE WEST


Rep. Sylvester Turner, Chair


Rep. Al Edwards


Rep. Helen Giddings


Rep. Lois W. Kolkhorst


On the part of the House
Rep. John Zerwas

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 2163

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a study regarding the provision of certain medications
3 through the Medicaid vendor drug program to children younger than
4 16 years of age.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 531, Government Code, is
7 amended by adding Section 531.0731 to read as follows:

8 Sec. 531.0731. STUDY REGARDING THE PROVISION OF CERTAIN
9 MEDICATION TO CHILDREN. (a) The commission shall conduct a study
10 to determine the appropriateness and safety of providing
11 antipsychotic or neuroleptic medication through the Medicaid
12 vendor drug program to children younger than 16 years of age.

13 (b) The study conducted under Subsection (a) must consider
14 the following factors relevant to the appropriateness and safety of
15 providing the medications to children:

16 (1) the physical and psychological medical diagnosis
17 of a child's condition;

18 (2) whether the United States Food and Drug
19 Administration has approved a medication for use by a child of a
20 certain age;

21 (3) whether a child has successfully taken a
22 medication previously;

23 (4) access to quality medical care for a child
24 receiving benefits under the program;

1 (5) the standard of care in the medical profession
2 regarding the provision of such medications to a child; and

3 (6) any other factor the commission considers
4 relevant.

5 (c) Not later than November 10, 2010, the executive
6 commissioner shall submit a report containing the results of the
7 study conducted under Subsection (a) to the governor, the
8 lieutenant governor, the speaker of the house of representatives,
9 and the chairs of the Senate Committee on Health and Human Services
10 and the House Committee on Public Health.

11 SECTION 2. This Act takes effect September 1, 2009.

House Bill 2163
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0731 to read as follows:

Sec. 531.0731. STUDY REGARDING THE PROVISION OF CERTAIN MEDICATION TO CHILDREN. (a) The commission shall conduct a study to determine the appropriateness and safety of providing antipsychotic or neuroleptic medication through the Medicaid vendor drug program to children younger than 16 years of age.

(b) The study conducted under Subsection (a) must consider the following factors relevant to the appropriateness and safety of providing the medications to children:

(1) the physical and psychological medical diagnosis of a child's condition;

(2) whether the United States Food and Drug Administration has approved a medication for use by a child of a certain age;

(3) whether a child has successfully taken a medication previously;

(4) access to quality medical care for a child receiving benefits under the program;

(5) the standard of care in the medical profession regarding the provision of such medications to a child; and

(6) any other factor the commission considers relevant.

(c) Not later than November 10, 2010, the executive commissioner shall submit a report containing the results

SENATE VERSION

Same as House version.

CONFERENCE

SECTION 1. Same as House version.

House Bill 2163
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HOUSE VERSION

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CONFERENCE

of the study conducted under Subsection (a) to the governor, the lieutenant governor, the speaker of the house of representatives, and the chairs of the Senate Committee on Health and Human Services and the House Committee on Public Health.

No equivalent provision

SECTION __. (a) In this section, "pharmacy care management services" means services provided by a pharmacy to support patients receiving treatment or therapy through a specialty pharmacy drug or therapy and maximize adherence to the drug or therapy, including:

- (1) significant caregiver and provider contact and education regarding the relevant disease, disease prevention and treatment, and counseling related to drug indications, benefits, risks, complications, and appropriate use of the prescribed drug or therapy;
 - (2) patient compliance services, including coordination of provider visits with delivery of the specialty drug or therapy to the provider, compliance with the dosing regimen, patient reminders, compilation of data, and assisting providers in the development of compliance programs; and
 - (3) tracking services, including developing ordering processes with a provider, screening referrals, and tracking a patient's weight for dosing requirements.
- (b) The Health and Human Services Commission shall study the feasibility of establishing separate

Same as House version.

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CONFERENCE

reimbursement rates under the Medicaid vendor drug program for pharmacies that provide pharmacy care management services to patients who are administered specialty pharmacy drugs, including drugs indicated for the prophylaxis of respiratory syncytial virus, blood factor, or any other biologic or therapy that requires complex care.

(c) In conducting the study under Subsection (b) of this section, the Health and Human Services Commission shall consult with the Centers for Medicare and Medicaid Services and may consider the adoption of pharmacy care management services reimbursement for pharmacy services adopted by other state Medicaid programs.

(d) The Health and Human Services Commission shall seek information from specialty pharmacy providers or other sources regarding the costs of providing pharmacy care management services.

(e) Not later than September 1, 2010, the Health and Human Services Commission shall submit a written report of the results of the study conducted under Subsection (b) of this section to the legislature.

SECTION 2. This Act takes effect September 1, 2009.

Same as House version.

SECTION 2. Same as House version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

**TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives**

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2163 by Turner, Sylvester (Relating to a study regarding the provision of certain medications through the Medicaid vendor drug program to children younger than 16 years of age.), Conference Committee Report

The fiscal implications of the bill cannot be determined at this time.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time.

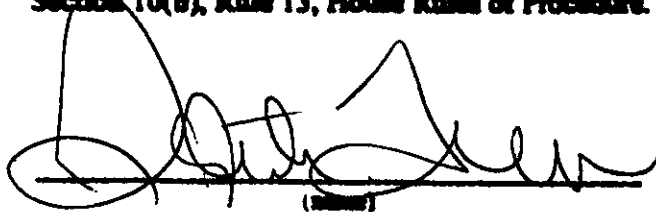
Source Agencies:

LBB Staff: JOB, JRO

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 2163 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.


(Name)

5/30/2009
(Date)