

88R2405 GCB-D

By: VanDeaver

H.B. No. 1238

A BILL TO BE ENTITLED

AN ACT

relating to the school health and related services program, including parental consent for program services, the establishment of a school health and related services program advisory council, and the publication of the Texas Medicaid Provider Procedures Manual.

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

SECTION 1. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.035 to read as follows:

Sec. 38.035. SCHOOL HEALTH AND RELATED SERVICES PROGRAM: PARENTAL CONSENT. (a) For each student for which a school district or open-enrollment charter school may request reimbursement under the school health and related services program during a school year, the district or school shall obtain written parental consent for disclosure to the district or school, the agency, or the Health and Human Services Commission, of the student's personally identifiable information, as necessary to administer the program.

(b) The parent's written consent under Subsection (a) must

be in a form that satisfies the requirements of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

(c) A school district or open-enrollment charter school shall provide a copy of a parent's written consent under Subsection (a) to the agency and the Health and Human Services Commission for the agency and the commission to maintain in the agency's and the commission's records as necessary to administer the program.

(d) Parental consent obtained in compliance with Subsection (a) for a school year is sufficient for all program-related purposes of the agency or the Health and Human Services Commission involving the use of a student's personally identifiable information for the remainder of that year, including in preparing cost reports under the program. The district or school, the agency, or the commission may not require additional parental consent other than the written consent described by Subsection (a) for any program-related purpose.

SECTION 2. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.021183 to read as follows:

Sec. 531.021183. TEXAS MEDICAID PROVIDER PROCEDURES MANUAL. (a) Not later than July 1st of each year, the

H.B. No. 1238

commission shall publish an update to the Texas Medicaid Provider Procedures Manual for providers of services to Medicaid recipients.

(b) For at least 60 days before publishing an update to the Texas Medicaid Provider Procedures Manual, the executive commissioner by rule shall establish a procedure allowing the public to inspect and comment on proposed changes to the manual in the same manner that public inspection and comment is provided in the rulemaking process under Chapter 2001.

(c) The commission shall consult the advisory council established under Chapter 106, Health and Safety Code, regarding any proposed changes to the manual.

SECTION 3. Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 106 to read as follows:

CHAPTER 106. SCHOOL HEALTH AND RELATED SERVICES PROGRAM

ADVISORY COUNCIL

Sec. 106.001. DEFINITIONS. In this chapter:

(1) "Advisory council" means the school health and related services program advisory council established under this chapter.

(2) "Agency" means the Texas Education Agency.

(3) "Procedures manual" means the Texas Medicaid Provider Procedures Manual described by Section 531.021183,

Government Code.

(4) "Program" means the school health and related services program under which certain health-related services provided under a student's individualized education program are eligible for Medicaid reimbursement.

Sec. 106.002. COMPOSITION OF COUNCIL. (a) The advisory council is composed of 13 members as follows:

(1) one employee of the agency with administrative duties involving the program;

(2) two employees of the commission with administrative duties involving the program;

(3) one superintendent or chief financial officer of a school district with a student enrollment of at least 5,000 students;

(4) one superintendent or chief financial officer of a school district eligible for the allotment under Section 48.101(c), Education Code;

(5) one superintendent or chief financial officer of a school district eligible for the allotment under Section 48.101(b) or (d), Education Code;

(6) one special education director employed by a school district described by Subdivision (3);

(7) one special education director employed by a

school district described by Subdivision (4);

(8) one special education director employed by a school district described by Subdivision (5);

(9) two persons who are each a parent of a student eligible for reimbursement under the program;

(10) one member of an advocacy group for children with special needs; and

(11) one provider of special education services.

(b) The commissioner of education shall appoint the member described by Subsection (a)(1). The executive commissioner or the executive commissioner's designee shall:

(1) appoint the remaining twelve members to the advisory council; and

(2) designate one member as chair of the advisory council.

(c) An appointment to a vacancy on the advisory council shall be made in the same manner as the original appointment. A member is eligible for reappointment.

Sec. 106.003. TERMS. Members of the advisory council serve staggered four-year terms, with the terms of six or seven members expiring on August 31 of each odd-numbered year.

Sec. 106.004. REIMBURSEMENT. Members of the advisory council serve without compensation but are entitled to

reimbursement for travel expenses.

Sec. 106.005. COUNCIL DUTIES; ADVISORY STATUS. (a) The advisory council shall advise the agency and the commission regarding:

(1) implementing and administering the program;

(2) incorporating changes to federal law governing the program;

(3) publishing the procedures manual, including the adoption of potential amendments to the manual; and

(4) any other issue involving the administration of the program or the publication of the manual.

(b) Chapter 2110, Government Code, does not apply to the advisory council.

Sec. 106.006. ADMINISTRATIVE SUPPORT AND FUNDING. (a) The commission shall provide administrative support for the advisory council.

(b) Funding for the administrative and operational expenses of the advisory council shall be provided by legislative appropriation made to the commission for that purpose.

Sec. 106.007. RULES. The executive commissioner may adopt rules as necessary to implement this chapter.

SECTION 4. Notwithstanding Section 531.021183, Government

H.B. No. 1238

Code, as added by this Act, the Health and Human Services Commission must publish the update to the Texas Medicaid Provider Procedures Manual as soon as practicable and not later than October 1, 2023. The Health and Human Services Commission must publish the update to the manual by a date not later than July 1 in 2024 and each subsequent year.

SECTION 5. As soon as practicable and not later than October 1, 2023, the commissioner of education and the executive commissioner of the Health and Human Services Commission shall appoint the members of the School Health and Related Services Program Advisory Council established under Chapter 106, Health and Safety Code, as added by this Act, and shall provide for staggered member terms as required by that chapter.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.