



2222 W. Braker Lane  
Austin, Texas 78758  
MAIN OFFICE 512.454.4816  
TOLL-FREE 800.315.3876  
FAX 512.454.3999

*Via U.S. Mail*

March 20, 2020

Stephanie Muth  
Deputy Executive Commissioner, Medicaid  
Ketan Patel  
Attorney, Office of Chief Counsel  
Texas Health and Human Services Commission  
P.O. Box 13247  
Austin, Texas 78711

Re: Urgent Issue Concerning DME and Medical Supplies

Dear Ms. Muth and Mr. Patel:

We write concerning a critical issue facing Medicaid beneficiaries with disabilities who have an ongoing medical need for expendable/disposable medical supplies, such as enteral formula, incontinence products, catheters, or respiratory items or who depend upon the rental of durable medical equipment, including hospital beds, ventilators, and oxygen concentrators, on a recurring basis. Under Texas Medicaid's current fee-for-service and managed care approval process, these items require periodic prior authorization. The prior authorization process entails submission of a Title XIX form signed by the beneficiary's physician and indicating the date the patient was last seen. According to the TMPPM DME Handbook, Section 2.2.1., these forms are "valid up to, but no more than 6 months from the date of physician signature." Moreover, Section 2.2.2.2 mandates that "[t]he date last seen by the physician must be within the past 6 months."

Our concern is for two groups of people — individuals who have a doctor's order for new supplies or equipment not previously received and individuals whose current authorizations for supplies and equipment have recently expired or will soon expire. Many of these people cannot leave their homes to see a doctor because their health is compromised or they cannot secure an appointment with their doctor due to the increased medical needs of other patients. Without a Title XIX form showing a physician visit within the past six months, the first group will be unable to obtain the newly prescribed supplies or equipment and the second group will likely see their supplies soon stop or their equipment returned. The harm to these Medicaid beneficiaries is obvious.

Fortunately, the solution to this critical situation is straightforward. We ask that HHSC direct TMHP and the Medicaid managed care organizations to suspend the current prior authorization process for new requests of medical supplies and equipment for the next 120 days, requiring only a doctor's order for the prescribed items. As to existing prior authorization requests for medical supplies and recurring equipment rentals, we ask that HHSC direct TMHP and the MCOs to extend these authorizations for an additional 120 days beyond their current expiration dates. These time-limited actions will help ensure that Medicaid beneficiaries will not be deprived of the medically necessary supplies and equipment prescribed for them.

Please let us know as soon as possible whether Texas Medicaid will take these critical steps to protect the health and well-being of beneficiaries with disabilities throughout the state.

Sincerely,

A handwritten signature in black ink, appearing to read 'MO' followed by a large, stylized flourish.

Maureen O'Connell  
Attorney at Law

A handwritten signature in black ink, appearing to read 'Peter Hofer' followed by a large, stylized flourish.

Peter Hofer  
Attorney at Law