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October 16, 2020

Public Health Committee  
Texas House of Representatives  
Via Email: [PublicHealth@house.texas.gov](mailto:PublicHealth@house.texas.gov)

RE: Comments in Response to Request for Information – Interim Charge #1

Dear Members of the Public Health Committee:

Every Body Texas (formerly the Women’s Health and Family Planning Association of Texas) appreciates the opportunity to provide information and input on the implementation of relevant women, maternal, and infant health legislation passed by the 86<sup>th</sup> Legislature in response to the Notice of Formal Request for Information posted on Monday, October 5, 2020.

Every Body Texas is a non-profit organization dedicated to ensuring that every person in Texas can access safe, unbiased, high-quality sexual and reproductive healthcare. As the statewide Title X Family Planning Program grantee for Texas, Every Body Texas funds a diverse network of 37 providers—including federally qualified health centers (FQHCs), public health departments, hospital-based clinics, and free-standing family planning clinics—that serves nearly 200,000 clients at more than 160 service sites throughout Texas.

Title X providers supported by Every Body Texas also participate in Texas Medicaid and the state-funded women’s health programs administered by the Texas Health and Human Services Commission (HHSC), including Healthy Texas Women and the Family Planning Program. For the reasons outlined below, Every Body Texas urges the Texas Legislature to work with HHSC and key stakeholders to address outstanding women’s health program implementation issues, especially those impacting services to new mothers.

### **HB 253 + HHSC’s Postpartum Depression Strategic Plan**

In September 2020, HHSC published a five-year strategic plan<sup>1</sup> to improve access to postpartum depression (PPD) screening, referral, treatment, and support services, as required by House Bill 253, 86th Legislature, Regular Session, 2019. We were encouraged to see HHSC’s strategic plan include increasing awareness of maternal mental health challenges by training more professionals serving clients and their families; adding mental health counseling as a covered benefit in Healthy Texas Women’s postpartum package (called “Healthy Texas Women-Plus”); and leveraging formal and informal peer supports, including certified mental health peer specialists, community health workers, promotoras, and group prenatal care like Centering



Pregnancy. Likewise, we were pleased to see in the plan that HHSC will continue to explore ways to expand telehealth and telemedicine for maternal mental health through Medicaid, CHIP, and Healthy Texas Women-Plus; and HHSC will update its Postpartum Depression Toolkit for providers — an important tool to help providers know how to screen and refer for maternal mental health challenges.

However, Every Body Texas offered feedback on HHSC’s draft strategic plan in July 2020, and our recommendations were not incorporated into the final strategic plan and we appreciate the opportunity to raise these concerns with the committee.

Every Body Texas supports the enhanced postpartum care services package for eligible women enrolled in Healthy Texas Women, called HTW Plus, described in HHSC’s final strategic plan (Strategy #4). In our feedback on HHSC’s draft strategic plan, we cautioned that coverage for these much-needed services would only be the first step—and we urged HHSC to work closely with provider groups to develop a strong provider recruitment strategy to ensure successful delivery of HTW services. HHSC unfortunately failed to adequately engage stakeholders during the initial HTW Plus launch so, as described in more detail below in relation to SB 750 implementation, **we call on legislators to continue monitoring the implementation of HTW Plus during the 87th Legislature.**

Similarly, because the sexual and reproductive healthcare providers Every Body Texas supports frequently report difficulty locating mental health providers in their area, we strongly urged HHSC to consider the development of a website that could both leverage existing referral network resources and effectively resource providers seeking referrals for their clients. We specifically cautioned that simply providing a list of Local Mental Health Authorities or updating Medicaid health plan directories would not be sufficient to develop a robust referral network with resources focused on maternal mental health. We were disappointed that HHSC outlined plans to “continue to collaborate with Medicaid health plans and HTW providers” to “determine how to best identify treatment providers for maternal mood disorders” and to “develop a workflow process for health plans to assist in the referral of members” in its final strategic plan (Strategy #7). **We call on legislators to continue monitoring the development of a postpartum depression treatment network during the 87th Legislature.**

Finally, we urged HHSC to follow the recommendation of the Texas Maternal Mortality and Morbidity Review Committee (MMMRC)<sup>ii</sup> that Medicaid coverage for eligible mothers be extended from 60 days to 12 months postpartum. Over 60 national organizations support extending Medicaid postpartum coverage to 12 months, including the American Medical Association, the American College of Obstetricians and Gynecologists (ACOG), the American Academy of Family Physicians, March of Dimes, and the Society for Maternal-Fetal Medicine.<sup>iii</sup> This broad support was recognized during the 86<sup>th</sup> Legislative Session when the Texas House



passed HB 744—but it stalled in the Texas Senate. In response to the COVID-19 pandemic, the removal of new moms from Medicaid 60 days postpartum has been temporarily suspended. **We call on legislators to make that change permanent by extending Medicaid to a full year after pregnancy.**

### **SB 750 + HTW Plus Implementation**

On September 1, 2020, HHSC announced the launch of an enhanced postpartum care services package for eligible women enrolled in Healthy Texas Women, called HTW Plus, as directed by Senate Bill 750, 86th Legislature, Regular Session, 2019.<sup>iv</sup> HTW Plus services will focus on treating major health conditions recognized as contributing to maternal morbidity and mortality in Texas, including:

- Postpartum depression and other mental health conditions;
- Cardiovascular and coronary conditions; and
- Substance use disorders, including drug, alcohol, and tobacco use.

The successful delivery of these enhanced postpartum care services is contingent upon HHSC recruiting and enrolling specialty providers into the Healthy Texas Women program.

Additionally, to ensure program effectiveness, HHSC must provide clear guidance about how to find an eligible HTW Plus provider to both Healthy Texas Women clients seeking to obtain enhanced services and Healthy Texas Women providers seeking to make referrals for enhanced services.

Following the HTW Plus announcement, stakeholders expressed concerns to HHSC regarding the lack of information about the HTW Plus provider network—a critical component of service delivery. When requested by stakeholders, HHSC was unable to provide information about the number of providers available to offer HTW Plus benefits at program launch and noted that recruitment of specialty providers using existing relationships with managed care organizations was slated to begin in October 2020.

**We urge legislators to continue monitoring implementation of SB 750 during the 87th Legislature to ensure effective implementation of HTW Plus—and to identify any unintended impacts on HTW Plus as a result of the changes to Healthy Texas Women eligibility and enrollment policies and practices outlined below in relation to SB 2132 implementation.**

Senate Bill 750 also directed HHSC to seek an III5 Waiver Amendment to draw down federal funds for the postpartum care services package. HHSC has stated that it plans to initiate the required public comment period in October 2020, submit the waiver amendment to CMS in December 2020, and request an effective date of April 1, 2021.



In the event that HHSC does not receive a response to its waiver amendment during the 87<sup>th</sup> Legislative Session, general revenue may be required to support continued delivery of HTW Plus services in the 2022-2023 biennium. **While we are supportive of these enhanced services, we caution against reducing general revenue funding for other critical women’s health programs, including Healthy Texas Women and the Family Planning Program.**

### **SB 2132 + HTW Eligibility and Enrollment Changes**

Senate Bill 2132, 86th Legislature, Regular Session, 2019 sought to improve the information provided to new moms who are auto-enrolled into the state-administered HTW program after their Medicaid coverage ends—a process first implemented by HHSC in July 2016. HHSC was directed to consult with the MMMRC to improve the process for providing new moms with information about HTW, including the types of services available and providers in her area.

At the December 6, 2019 MMMRC meeting, HHSC staff presented draft language for updated notices and MMMRC members provided useful feedback and recommendations while also raising questions to the HHSC presenters that would be helpful in providing clarification. Following that meeting, Every Body Texas joined the Texas Women’s Healthcare Coalition in submitting additional feedback and recommendations.<sup>v</sup>

However, shortly thereafter, on January 22, 2020, HHSC received approval for the Healthy Texas Women Section 1115 Demonstration Waiver and began drawing down federal funds on February 18, 2020. HHSC submitted an implementation plan to the Centers for Medicare and Medicaid Services (CMS) in July 2020 and reviewed key aspects of the plan in a post-award public forum on July 16, 2020.<sup>vi</sup>

During the July 16<sup>th</sup> post-award public forum, HHSC shared a number of changes to Healthy Texas Women eligibility and enrollment policies and practices, citing the waiver’s requirement to comply with federal Medicaid eligibility, application, verification, and demonstration regulations. As part of the 1115 HTW waiver, HHSC is proposing to eliminate auto-enrollment of new mothers from Pregnant Women’s Medicaid into HTW — a policy that has been in place since 2016 and has helped to improve continuity of care and outcomes for new mothers. Eliminating this policy and process in the HTW program that directly undermine the goals of SB 750 and SB2132.

Stakeholders have urged HHSC to consider a number of solutions to limit the impact of proposed changes to Healthy Texas Women enrollment, described in detail in our response to Interim Charge #2. To date, HHSC has not shared the Healthy Texas Women Section 1115 Demonstration Waiver implementation plan with stakeholders. **We urge legislators to continue monitoring implementation of the Healthy Texas Women Section 1115 Demonstration Waiver during**



**the 87th Legislature and, if needed, to direct HHSC to implement eligibility and enrollment policies and practices—including those that may require a waiver amendment and/or systems changes—to limit the impact of proposed changes to Healthy Texas Women enrollment.**

Every Body Texas appreciates the opportunity to provide these comments. If you require additional information about the issues raised in this letter, please contact me using the information provided in my cover email.

Sincerely,

Kami Geoffray  
Chief Executive Officer

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<sup>i</sup> Texas Health and Human Services Commission. (2020, September). Postpartum Depression Strategic Plan. *Texas Health and Human Services*. <https://hhs.texas.gov/sites/default/files/documents/laws-regulations/reports-presentations/2020/hb253-postpartum-depression-strategic-plan-sept-2020.pdf>

<sup>ii</sup> Texas Department of State Health Services. (2018, September). Maternal Mortality and Morbidity Task Force and Department of State Health Services Joint Biennial Report. *Texas Health and Human Services*. <https://www.dshs.texas.gov/mch/pdf/MMMTFJointReport2018.pdf>.

<sup>iii</sup> Kohler, A. (2020, August 5). TX Should Take These Steps for Healthy Moms and Babies. *Texans Care for Children*. <https://txchildren.org/posts/2020/8/4/tx-should-take-these-steps-for-healthy-moms-and-babies>.

<sup>iv</sup> Texas Health and Human Services Commission. (2020, August 31). HHSC's Healthy Texas Women Program Launches Enhanced Postpartum Care Services. *Texas Health and Human Services*. <https://hhs.texas.gov/about-hhs/communications-events/news/2020/08/hhscs-healthy-texas-women-program-launches-enhanced-postpartum-care-services>.

<sup>v</sup> Texas Women's Healthcare Coalition. (2020, January 30). Letter Supporting MMMRC SB 2132. *Texas Women's Healthcare Coalition*. [https://539701e1-dboe-411a-97f5-33b85e659952.filesusr.com/ugd/c20b20\\_827a4b4d34644643bo296c3e0c1914dd.pdf](https://539701e1-dboe-411a-97f5-33b85e659952.filesusr.com/ugd/c20b20_827a4b4d34644643bo296c3e0c1914dd.pdf)

<sup>vi</sup> Texas Health and Human Services Commission. (2020, July 16). Healthy Texas Women 1115 Waiver Public Forum. *Texas Health and Human Services*. <https://hhs.texas.gov/sites/default/files/documents/laws-regulations/policies-rules/1115-waiver/HTW/htw-1115-waiver-public-forum-slides.pdf>.