



November 12, 2021

Texas Health and Human Services Commission
Via Email: HealthyTexasWomen@hhsc.state.tx.us

Re: Texas Women's Healthcare Coalition (TWHC) Comments on the proposed draft rules for the Healthy Texas Women Program

The Texas Women's Healthcare Coalition (TWHC) and its 87 healthcare, faith, and community-based member organizations are dedicated to improving the health and well-being of Texas women, babies, and families by ensuring access to preventive healthcare for all Texas women. Access to preventive and preconception care – including health screenings and contraception – means healthy, planned pregnancies and early detection of cancers and other treatable conditions.

On behalf of the Texas Women's Healthcare Coalition, thank you for this opportunity to provide comments on the proposed draft rules for the Healthy Texas Women (HTW) program.

Included below are the Coalition's recommendations. Recommended changes for each section are indicated in red, and some sections have additional comments following.

§382.5. Definitions.

(7) Covered service--A service that is reimbursable under the HTW program, including HTW Plus

(13) HTW program -- The Healthy Texas Women program is a women's health and family planning program for low-income women age 15-44. It is administered by HHSC as outlined in this subchapter.

(14) HTW provider--A provider that is enrolled in the Texas Medicaid program and is qualified to perform covered services in the HTW program and/or in HTW Plus. A contracted An HTW provider with a cost reimbursement contract with HHSC may be



reimbursed for providing additional services as described in §382.21(a)(2) of this subchapter (relating to Reimbursement).

(16) Third-party resource—~~A person or organization, other than HHSC or a person living with an applicant or a client, Any person, or the insurer of a person, who is or may be liable to pay all or part of the expenditures for medical assistance, as a source of payment of the applicant's or client's medical expenses, for example, a private health insurance company or liability insurance company~~

Additional Comments:

- As HTW will eventually transition to managed care, it is helpful to distinguish between cost reimbursement contracted providers and contracted providers in a health plan through managed care.

§382.7. Client Eligibility.

(d) Period of eligibility. A client is deemed eligible to receive covered services for 12 continuous months from the earliest day of the application month on which the applicant meets all eligibility criteria enrollment date unless:

(e)~~Automatic~~ Administrative Eligibility Determination

(1) A client who is receiving Medicaid or CHIP is ~~automatically~~ tested for eligibility for the HTW program at the end of her Medicaid or CHIP certification period if she is not eligible for another Medicaid program or CHIP.

(2) Program coverage begins on the first day following the termination of her Medicaid or CHIP coverage.

(3) A client enrolled in the HTW program may opt out of the HTW program.

(4) If the HTW 1115 waiver special terms and conditions are updated to allow the state to use the previous auto-enrollment policy for women at the end of their Medicaid or CHIP certification then women will be automatically placed into HTW.

Additional Comments:



Texas Women's Healthcare Coalition

PROMOTING ACCESS TO PREVENTIVE
HEALTHCARE FOR ALL TEXAS WOMEN

- As HTW will eventually transition to managed care, the term enrollment will then refer to a client enrolling in a managed care plan. However, a client's HTW eligibility will not begin at the point she is enrolled in a plan, therefore we recommend the above language change for clarity.
- While auto-enrollment remains a terminated policy, we recommend not using the term automatic when referring to the new eligibility determination process for women losing Medicaid coverage and being tested for HTW. This will help reduce confusion when talking about these two separate policies.
- The auto-enrollment of women losing Medicaid into HTW improved continuity of care, allowing a seamless transition for women during the critical postpartum period. Auto-enrollment greatly improved enrollment into HTW, with data showing a 219 percent increase since the policy launch in 2016. Eliminating auto-enrollment will not only erode Texas' progress to improve postpartum care and women's health outcomes, but also reduce the future cost savings of HTW. Gaps in coverage mean women may not obtain contraceptive and other services, resulting in an increase in the number of unintended Medicaid births later. This is why it is critical to examine all possibilities of reinstating auto-enrollment and including this crucial policy in Texas's HTW 1115 Demonstration Waiver.
- Regarding **§382.7(a)(6)** - we have no language change recommendation. However, an important issue to raise is the Children's Health Insurance Program (CHIP) does not provide coverage for contraception, which leaves young women on this program vulnerable to experiencing unintended pregnancy. The Healthy Texas Women program covers contraception for women ages 18-19 years old, and women ages 15-17 years old with parental consent. However, a woman may not utilize both programs at the same time and would have to choose between the comprehensive healthcare of CHIP, or moving to HTW, which covers contraceptives, but does not offer comprehensive healthcare. While contraception is available to teens through the Family Planning Program (FPP) and Title X clinics, funding is limited and there may not be a participating provider nearby. Additionally, navigating multiple programs acts as a barrier to access and puts more administrative burden on the young woman and her family. If this policy cannot be changed to allow a woman to be in CHIP and HTW to solve the contraception access issue, then contraception should be made a covered benefit in the CHIP program.



§382.15. Covered and Non-covered Services.

(a) Covered services provided through the HTW program include:

(5) limited treatment for the following chronic conditions;

(A) hypertension;

(B) diabetes; and

(C) high cholesterol;

(8) limited treatment for postpartum depression;

(9) ~~family planning annual exam;~~ healthy history and physical

(b) In addition to the HTW services above, ~~C~~covered HTW Plus services include:

§382.17. HTW Provider Qualifications

(e) Certification. Except for a teaching hospital, an independent laboratory, ~~and a~~ radiologist/radiologist facility, and individuals only providing HTW Plus services, before providing a covered service and periodically thereafter, an HTW-provider must certify its compliance with subsection (b) of this section and any other requirement specified by HHSC.

Additional Comments:

- In order for HTW Plus to be effective, there needs to be a provider network in place to provide the additional important benefits such as cardiologists for the cardiovascular benefits, and psychotherapists or other mental health professionals for the postpartum depression and mental health benefits. Building a strong provider network is essential to proper service delivery and for HTW plus to be a successful program. However, a barrier to recruiting providers is requiring the HTW certification. Many providers are part of larger practices whose legal counsel may advise against HTW Plus participation because they are not



comfortable with the HTW certification language. TWHC recommends broadening the HTW certification exemption to include HTW Plus providers. The provider types participating in HTW Plus would be cardiologists, counselors, endocrinologists, peer specialists, and other types that would not normally perform abortions - like those currently exempt: labs and radiologists. Therefore, broadening the exemption to include HTW Plus providers is low risk and would improve provider recruitment for the program.

Thank you for your consideration. If you have any questions or if we can provide further information, please contact me at (210) 223-4589 or EDelgado@TexasWHC.org.

Respectfully submitted,

A handwritten signature in black ink that reads "Evelyn Delgado". The signature is written in a cursive style with a large, looped "E" and "D".

Evelyn Delgado
Chair, Texas Women's Healthcare Coalition