

## TexLa Legislative/Regulatory February 2016 Update

Please Note: CCHP has a pending legislation/regulation webpage located at the following link: <http://cchpca.org/state-laws-and-reimbursement-policies>

### **LEGISLATION**

#### Pending legislation

State	Bill Number	Status	Summary

### **REGULATION**

#### Pending Regulation

State	Lexis Ref. #	Status	Summary
Texas	<a href="#">16 TAC 4.111.X.111.230-.232</a>	1/6/16: Proposed Rule	Proposed rules on the requirements for the fitting and dispensing of hearing instruments through the use of telehealth by Speech-Language Pathologists and Audiologists. Among other items, the proposed rule provides definitions and requirements to providing the services.
Texas	<a href="#">16 TAC 4.111.V.111.210-.215</a>	1/6/16: Proposed Rule	Proposed rules for speech-language pathologists and audiologists on the use of telehealth to deliver services.
Texas	<a href="#">16 TAC 4.112P.112.150</a>	1/6/16: Proposed Rule	Proposed rules on the requirements for the fitting and dispensing of hearing instruments through the use of telehealth by Speech-Language Pathologists and Audiologists. Among other items, the proposed rule provides definitions and requirements to providing the services.

Texas	<a href="#">1 TAC 15.354.A.354.1432</a>	1/4/16: Proposed Rule	Agency: Health and Human Services Commission The proposed rules updates the Medicaid rule for telemedicine services to reflect additional requirements that were outlined in a previous session's bill (HB 1878) that physicians will be reimbursed for telehealth services provided in a school-based setting.
-------	-----------------------------------------	--------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### Adopted

State	Lexis Ref. #	Status	Summary
Louisiana	<a href="#">LAC 46:XLV.405 and Ch. 75</a>	1/20/15: Adopted with changes	Title: Telemedicine Permit Qualifications and Procedures Agency: Department of Health and Hospitals/Board of Medical Examiners Amends rules regarding the use of telemedicine, the need and requirement for obtaining a telemedicine permit, and the requirements and limitations on the prescription of controlled substances by telemedicine.
Texas	<a href="#">22 TAC 7.141.30</a>	1/2/15: Adopted Effective: 1/22/15	Title: The licensing and regulation of fitters and dispensers Agency: Committee of Examiners in the Fitting and Dispensing of Hearing Instruments This rule establishes requirements for the fitting and dispensing of hearing instruments by telepractice for the Board of Examiners for Speech-Language Pathology and Audiology.
Texas	<a href="#">4TAC 1.30.B.30.240-.244</a>	12/12/14: Adopted Effective: 1/1/15	Title: Rural Communities Health Care Investment Program Agency: Department of Agriculture This rule establishes the Investment Program, which (among other things) encourages the use of telemedicine and telecommunications as appropriate.
Texas	<a href="#">37 TAC 11.380.9103, et al</a>	3/23/15: Adopted Rule Effective: 4/15/15	Title: Health Care Services Agency: Juvenile Justice Department Provides for rules concerning health care services in the Texas Juvenile Justice Department, including how telemedicine can be used.
Texas	<a href="#">Rule 174</a> 22 TAC 9.174	5/15/15: Adopted Effective: 6/4/15	Title: Telemedicine Agency: TX Medical Board This rule would expand the definition of an <i>Established Medical Site</i> to the home for mental health services, and for medical services if a patient site presenter is present, a physician-patient relationship exists and there is sufficient technology for an adequate real time physical exam. An online questionnaire through email, electronic text, chat or telephonic evaluation would not be considered adequate.
Texas	<a href="#">TAC, Title 22,</a>	4/10/15:	Title: Disciplinary Guidelines

	<a href="#">9.190.B.190.8</a>	Adopted	Agency: TX Medical Board This rule amends the state's definition of the physician-patient relationship (needed to prescribe any dangerous drug or controlled substance) to require either an in-person exam or face to face visit. * This rule is currently not in effect due to a lawsuit.
Texas	<a href="#">1 TAC 15.355.G.355.7001</a>	8/7/15: Adopted Rule Effective: 9/1/15	Title: Reimbursement for Advanced Telecommunications Services Agency: Health and Human Services Commission The proposed rule amendment is a result of House Bill (H.B.) 1878, 84th Legislature, Regular Session, 2015, which clarifies that physicians shall be reimbursed for telemedicine medical services provided in a school-based setting even if the physician is not the patient's primary care physician, if certain conditions are met. The proposed amendment updates the Medicaid reimbursement methodology rules for those services to reflect the additional conditions for reimbursement.
Texas	<a href="#">40 TAC 12.373.373.1-.3</a>	8/24/15: Partial rule adoption (40 TAC 12.373.2, .3) Effective: 10/1/15	Title: Supervision Requirements Agency: Board of Occupational Therapy Examiners This rule would clarify supervision requirements in general and with regard to telehealth for occupational therapy examiners.