

## TexLa Legislative/Regulatory November 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

#### Approved Legislation

State	Bill Number	Status	Description
Louisiana	<a href="#">HB 480</a>	5/26/16: Signed by Governor	This bill would provide conditions and authorizations relative to the practice of telemedicine in licensed healthcare facilities; and to provide for related matters.
Louisiana	<a href="#">HB 570</a>	6/17/16: Enacted	This bill would repeal the requirement that a physician practicing telemedicine maintain an office within the state; amends the definition of a "synchronous interaction"; and requires that any rules and regulations be consistent and no more restrictive to the telehealth provisions within the law.
Louisiana	<a href="#">HB 595</a>	6/9/16: Enacted	This bill would authorize the use of telehealth technology to provide nutrition services.
Louisiana	<a href="#">SB 236</a>	6/5/16: Signed by Governor.	Relates to admissions by emergency certificate of persons suffering from mental illness and substance abuse; provides for examinations by telemedicine under certain provisions; provides that when a patient is transferred from another parish pursuant to an emergency certificate, a second physician's emergency certificate shall be executed by a physician at the admitting facility.

#### Dead Legislation/Session Ended

State	Bill Number	Status	Summary
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Louisiana	<a href="#">SB 193</a>	3/14/16: Introduced	This bill provides for network adequacy requirements. It requires a health insurance issuer's access plan to list the health issuer's network, including how the use of telemedicine or telehealth or other technology may be used to meet network access standards, if applicable.
Louisiana	<a href="#">SB 328</a>	5/17/16: Read by title, returned to the calendar	This bill would amend physician practice requirements involving telemedicine and telehealth and amends the definition of a "synchronous interaction".

## **REGULATION**

### **Pending Regulation**

<b>State</b>	<b>Reg. Citation</b>	<b>Status</b>	<b>Summary</b>
Louisiana	<a href="#">LAC 46:XLV.408 and Ch. 75</a>	10/20/16: Proposed Rule Comment Deadline: 11/21/16	Title: Physician Licensure and Practice and Telemedicine Agency: Board of Medical Examiners Amends rules to remove the requirement that a physician practicing medicine by telemedicine maintain a physical practice location in Texas or have an arrangement with a physician who does and authorize the use of telemedicine by interactive audio, without the need for video, provided certain conditions are satisfied.
Texas	<a href="#">16 TAC 4.145.O.145.211-.216</a>  <a href="#">16 TAC 4.145.P.145.231-.233</a>	10/10/16: Proposed  Comment Deadline: 11/20/16	Title: Rules of Hearing Instruments by Telepractice Agency: Department of Licensing and Regulation Proposes to repeal rule governing telepractice for speech language pathologists and audiologists.

### **Adopted Regulation**

<b>State</b>	<b>Reg. Citation</b>	<b>Status</b>	<b>Summary</b>
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Louisiana	<a href="#">LAC 46:LXXV.103, 107, 109, 119, 121, 123, 130, 131, 501, and 505</a>	10/20/16: Adopted Effective: 10/20/16	Title: Speech-Pathology and Audiology Agency: Board of Examiners for Speech-Language Pathology and Audiology Amends rules to make technical changes and clarifications, add definitions for telehealth/telepractice, remove hearing aid dispensing fee from renewal and initial applications, and add telehealth registration fees.
Texas	<a href="#">1 TAC 15.354.A.354.1432</a>	4/4/16: Adopted Rule Effective: 5/15/16	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.
Texas	<a href="#">16 TAC 4.111.X.111.230-.232</a>	6/2/16: Adopted Effective: 10/1/16	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>	6/2/16: Adopted Effective: 10/1/16	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>	6/2/16: Adopted Effective: 10/1/16	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="#">40 TAC 12.373.1, .3</a>	5/19/16: Adopted Effective: 7/1/16	Agency: Board of Occupational Therapy Examiners Title: Telehealth Supervision This bill amends rules pertaining to Occupational Therapists regarding supervisory requirements when telehealth is used.
Texas	<a href="#">40 TAC 12.362.1</a>	5/19/16: Adopted Effective: 7/1/16	Agency: Board of Occupational Therapy Examiners Adds a new definition of telehealth for the practice of occupational therapy.
Texas	<a href="#">40 TAC 12.362.1</a>	5/19/16: Adopted Effective: 7/1/16	Title: Provision of Services Agency: Board of Occupational Therapy Examiners This amendment includes clarifications regarding the provision of services and would add telehealth as a mode of occupational therapy service delivery. The amendment would add language specifying that the occupational therapist is responsible for determining whether

			any aspect of the provision of services may be conducted via telehealth or must be conducted in person. The amendment would also add the provision that the initial evaluation for a medical condition must be conducted in person and may not be conducted via telehealth. The amendment would add language allowing for the evaluation for a non-medical condition and for the intervention for a medical or non-medical condition to be provided via telehealth.
Texas	<a href="#">1 TAC</a> <a href="#">15.351.B.351.801,</a> <a href="#">.803, .805, .807,</a> <a href="#">.809, .811, .813,</a> <a href="#">.815, .817, .819,</a> <a href="#">.821, .823, .825,</a> <a href="#">.827, .829, .831,</a> <a href="#">.833, .835, .837</a>	6/6/16: Adopted Effective: 7/1/16	Title: Advisory Committees Agency: Health and Human Services Commission This rule would create the e-Health Advisory Committee.
Texas	<a href="#">22 TAC</a> <a href="#">9.174.174.11</a>	9/19/16: Adopted Effective: 10/9/2016	Title: On-Call Services Agency: TX Medical Board The amendment to Section 174.11 amends and adds language referring to Chapter 177 (relating to Business Organizations, also proposed for amendment in this issue of the Texas Register) and newly proposed Subchapter E titled "Physician Call Coverage Medical Services," which provides physicians guidance and sets forth the minimum requirements relating to on-call services and agreements. The proposed amendment to relocate the substantive requirements related to the topic of "on-call" services to Chapter 177 results from the Board's meetings with stakeholders who expressed the need for more clarity with respect to the application of the rule and whether it applied to all physicians or just those physicians practicing in the area of telemedicine. The removal of the substantive requirements for "on-call" services from Chapter 174 of this title (relating to Telemedicine), and relocation of the call coverage topic to Chapter 177 of this title will alleviate such confusion and provide more clarity as to the rule's applicability.
Texas	<a href="#">22 TAC</a> <a href="#">9.177.E.177.18 -</a> <a href="#">.20</a>	9/19/16: Approved Effective: 10/9/2016	Title: Physician Call Coverage Medical Services Agency: TX Medical Board The proposed new rules are made in response to stakeholders' requests for an expanded call coverage model that would allow more options for providing continuity of care to patients during a regular treating physician's temporary absence, so that reciprocity and the same specialty practice area are no longer strictly required for call coverage practice. The

			purpose of adding the language to Chapter 177 is also to provide clarity with respect to the application of the rules to all physicians providing call coverage, not just physicians providing telemedicine care in Texas.
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