

TexLa Legislative/Regulatory November 2017 Update

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

LEGISLATION

Passed Legislation

State	Bill Number	Status	Description
Louisiana	HB 338	6/20/17: Act No. 302.	This bill would regulate telehealth in the delivery of speech-language pathology or audiology. It would require LA licensure for in-state practitioners and telehealth registration for out-of-state practitioners.
Texas	HB 1697	5/26/17: Signed by Governor	Relates to the establishment of pediatric health electronic access in a rural State grant program.
Texas	SB 1107	5/27/17: Signed by Governor	Provides for definitions of telehealth and telemedicine and defines a practitioner-patient relationship for telemedicine medical services
Texas	SB 1849	6/15/17: Enacted	Relates to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement. Requires jails to have 24 access to a mental health professional either on site or through a telemental health service, among other components.
Texas	SB 922	6/9/17: Enacted	Expands reimbursement under the Medicaid program to social workers, occupational therapists, speech language pathologist, licensed professional counselor, marriage and family therapist and licensed specialist in school psychology. Requires reimbursement for telehealth services provided to school districts or charter schools.

Texas	SCR 52	5/23/17: Signed by Governor	Urges Congress to pass the Care Veterans Deserve Act; enhances and expands major reforms of the Veterans' Choice Act; includes allowing access to walk-in clinics without preauthorization or copayment, the expansion of VA pharmacy hours, telemedicine, and extends the Veterans Choice Card program.

Dead Legislation

State	Bill Number	Status	Description
Texas	HB 1950	3/20/17: Referred to House Committee on Public Health	Relating to the reimbursement of providers for the provision of certain home telemonitoring services under Medicaid.
Texas	HB 2123	3/20/17: Referred to House Committee on Public Health.	Relates to the reimbursement of certain providers under the Medicaid program for the provision of telehealth services.
Texas	HB 2697	5/10/17: In House Tabled.	Relates to telemedicine and telehealth services.
Texas	HB 2791	4/11/17: Left pending in committee	Requires the Department to develop a state plan for the prevention, testing and treatment of hepatitis C. In developing the plan, the Department must report on the use of telemedicine medical services and telehealth services in providing Hepatitis C treatment to rural and medically underserved areas, among other components.
Texas	HB 3040	5/6/17: Committee report sent to calendars.	This bill would, among other components, enact the Interstate Medical Licensure Compact.

Texas	HB 3958	4/3/17: Referred to House Committee on Public Health.	Relates to the Interstate Medical Licensure Compact. Authorizes a fee.
Texas	HB 709	2/20/17: Referred to House Human Services Committee	Requires the board of regents of The Texas A&M University System to designate a department or entity at Texas A&M University to conduct a study on services for children and families available to be provided in rural counties to children in the managing conservatorship of the department and to the parents of those children. The study must (among other components) propose actions the commission and department can take to address any shortage in the provision of services for children and families to children and parents in rural counties, including the provision of services through telemedicine medical services and telehealth services in rural counties (among other elements).
Texas	HCR 44	4/28/17: Considered in Calendars	Urges Congress to pass S. 2869, which includes provisions allowing access to walk-in clinics without preauthorization or copayment, the expansion of VA pharmacy hours and telemedicine, and extending the Veterans Choice Card program to permit all qualified veterans to see the doctor of their choice; moreover, the bill encourages best-practices peer review for VA facilities; the act would broaden access to timely health care while offering greater choice and flexibility to every eligible veteran.
Texas	SB 1428	3/20/17: To Senate Committee on Health and Human Services	Relates to the provision of mental health telemedicine medical services.
Texas	SB 1585	3/21/17: Referred to Senate Committee on Health and Human Services	Relates to the reimbursement of certain services provided by respiratory care practitioners under Medicaid.
Texas	SB 2134	3/28/17: To Senate Committee on Health and Human Services	Relates to a plan to increase the use of telemedicine medical services and telehealth services in this state.
Texas	SB 52	1/24/17: Referred to Senate Health and Human Services	Relating to the reimbursement of providers for the provision of certain home telemonitoring services under Medicaid.

REGULATION

Pending Regulation

State	Reg. Citation	Status	Summary
Texas	22 TAC 9.174A.1-8	9/1/17: Proposed Deadline Comment Deadline: 10/15/17	Title: Telemedicine Agency: Medical Board The Texas Medical Board proposes amendments concerning Telemedicine.

Adopted Rules

State	Reg. Citation	Status	Summary
Louisiana	LAC 46:XLV.408 and Ch. 75	2/20/17: Rule Adopted Effective: 2/20/17	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 Louisiana 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	16 TAC 4.145.O.145.211-.216 16 TAC 4.145.P.145.231-.233	2/7/17: Adopted Effective: 3/1/17	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.
Texas	1 TAC 15.324.A.354.1432	3/1/17: Adopted Effective: 3/21/17	Title: Advanced Telecommunications Services Agency: Health and Human Services Commission Establishes rules to clarify that a patient must receive an initial evaluation by a physician or other qualified healthcare professional prior to receiving telehealth services, with the exception of services to treat a mental health diagnosis or condition, to further require

			that a patient receive an annual follow-up evaluation by a physician or other qualified healthcare professional for continued receipt of telehealth services, again with the exception of services to treat a mental health diagnosis or condition and to permit the evaluating physician or other qualified healthcare professional to conduct the evaluation in person or through a telemedicine.
Texas	1 TAC 15.355.G.355.7001	2/23/17: Adopted Effective: 3/15/17	Title: Reimbursement Rates Agency: Health and Human Services Commission Amends rules regarding Reimbursement Methodology for Telemedicine, Telehealth, and Home Telemonitoring Services, Physicians and Other Practitioners, Licensed Professional Counselors, Licensed Master Social Worker-Advanced Clinical Practitioners, and Licensed Marriage and Family Therapists.
Texas	1 TAC 15.355	9/19/17: Adopted rule Notice Effective: 12/1/2017	Title: Reimbursement Rates Agency: Health and Human Services Commission Amends rules relating to reimbursement for durable medical equipment, prosthetics, orthotics, and supplies, physical, occupational, and speech therapy services, home health services, methodology for customized equipment, telemedicine, telehealth, and home telemonitoring services, methodology for physicians and other practitioners, early and periodic screening, diagnosis, and treatment services and family planning services.
Texas	1 TAC 15.355.G.355.7001	9/19/17: Adopted rule Notice Effective: 12/1/2017	Title: Telecommunication and Community-Based Services Agency: Health and Human Services Commission Amends rules which provides the Executive Commissioner of HHSC with broad rulemaking authority to administer the federal medical assistance (Medicaid) program in Texas and to establish HHSC as the agency responsible for adopting reasonable rules governing the determination of fees, charges, and rates for medical assistance payments under Texas Human Resources Code.