

TexLa Legislative/Regulatory October 2014 Update

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

LEGISLATION

Approved Legislation

State	Bill Number	Status	Summary
Louisiana	HCR 88	6/2/14: Adopted	This resolution would create a Task Force on Telehealth Access as an advisory body to the legislature and the Department of Health and Hospitals on policies and practices that expand access to telehealth services, and to direct the task force to report to the governor and the legislature on the status of telehealth access in Louisiana.
Louisiana	HB 1280	6/4/14: Enacted	This bill establishes definitions for telehealth related terms, establishes the standard of care for telehealth providers and stipulates that health plans should not discriminate or prohibit the use of telemedicine or telehealth. It also says that health plans that cover telehealth must provide coverage for both originating and distant site providers if both are necessary.
Louisiana	SB 185	6/18/14: Enacted	<p>Present law provides in the case of an emergency certificate issued pursuant to an examination conducted by telemedicine pursuant to present law, a copy transmitted by facsimile or other electronic device shall be sufficient authority for the peace officer or ambulance worker to transport the patient to a treatment facility and for the director to accept such patient.</p> <p>Proposed law amends present law to provide in the case of an emergency certificate issued pursuant to an examination conducted by telemedicine pursuant to present law, or where the sending facility fails to provide the original to the transporting agency, a copy transmitted by facsimile or other electronic device shall be sufficient authority for the peace officer or ambulance worker to transport the patient to a treatment facility and for the director to accept such patient. Re-engrossed.</p>

Legislature Adjourned without Passing

State	Bill	Status	Summary
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	Number		
Louisiana	HB 1003	3/10/14: To House Committee on Health and Welfare	This bill would amend the definition of “telemedicine” to include the use of asynchronous store and forward technology for certain consultations, exempts certain consultations from requiring the presence of a licensed Louisiana health care professional and requires an appropriate examination of a patient, among other things.
Louisiana	HB 903	4/30/14: Substituted by H. 1280	This bill defines telehealth services, requires insurance coverage for telehealth services (including the medical assistance program and includes coverage for live video, store and forward and telephone or internet), and creates the Louisiana Commission on Telehealth Access within the Department of Health and Hospitals.
Louisiana	SB 501	3/10/14: To House Committee on Health and Welfare	This bill would amend the definition of “telemedicine”, as well as amends present law to require the Louisiana Medical Board to establish requirements for telemedicine licensure by those holding an unrestricted license or permit to practice medicine in Louisiana and for applicants for a telemedicine license under present law.

REGULATION

Pending Regulation

State	Lexis Ref. #	Status	Summary
Louisiana	LAC 46:XLV.405 and Ch. 75	10/20/14: Proposed rule. Comment Deadline: 11/19/14	Title: Telemedicine Permit Qualifications and Procedures Agency: Department of Health and Hospitals/Board of Medical Examiners Summary: 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	22 TAC 7.141.30	8/11/14: Proposed Comment Deadline: 9/21/14	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	22 TAC 32.741.233	8/11/14: Proposed rule Comment Deadline: 9/21/14	Title: Requirements for Providing Telehealth Services for the Fitting and Dispensing of Hearing Instruments Agency: Board of Examiners for Speech Language Pathology This rule sets forth the purpose of the joint rules between the board and the committee of Examiners in the Fitting and Dispensing of Hearing Instruments regarding the fitting and dispensing of hearing instruments by telepractice. It also sets the requirements for the fitting and dispensing of hearing instruments using telepractice.
Texas	37 TAC 11.380.9175	10/3/14: Proposed Comment Deadline: 11/16/14	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	37 TAC 11.380.9103, et al	10/3/14: Proposed Comment Deadline: 11/16/14	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.

Approved Regulation

State	Lexis Ref. #	Status	Summary
Texas	22 TAC 172.18	Adopted 12/31/13 Effective; 1/20/14	Sets forth criteria under which an applicant may qualify for a military limited volunteer license, based on the passage of SB 61 in the 83 rd Regular Session and on the creation of 155.103 of the Texas Occupational Code, which provides a licensing mechanism for active and retired military physicians who do not hold a medical license to provide charitable care in Texas.
Texas	25 TAC Sections 415.251 - 415.276	7/2/14: Adopted Rule Effective: 7/22/14	Would stipulate that “Face to face” does not include a contact made through the use of video or telecommunication conferencing or technologies, including telemedicine. The chapter applies to state hospitals, and other facilities stipulated in the bill.
Texas	1 TAC 15.355.G.355.7001	6/9/14: Adopted Rule Effective: 6/29/14	Title: Advanced Telecommunications Services Agency: Health and Human Services Commission This bill slightly changes the reimbursement methodology language for licensed psychologists using telehealth under the state’s Medicaid program.

Texas	22 TAC 32.741.O.741.211-.216	8/8/14: Rule adopted. Effective: 8/28/14	Title: Telehealth Agency: Board of Examiners for Speech Pathology and Audiology The amendments and new rule are authorized under Texas Occupations Code, Section 401.202, which provides the State Board of Examiners for Speech-Language Pathology and Audiology with the authority to adopt rules necessary to administer and enforce Texas Occupations Code, Chapter 401, as well as Texas Occupations Code, Section 401.2022 and Section 401.405, which specifically authorize the board to adopt telepractice rules for audiologists and speech-language pathologists.
Texas	22 TAC 32.741.A.741.1	8/8/14: Rule adopted. Effective: 8/28/14	Title: Definitions Agency: Board of Examiners for Speech Pathology and Audiology The amendment is authorized under Texas Occupations Code, Section 401.202, which provides the State Board of Examiners for Speech-Language Pathology and Audiology with the authority to adopt rules necessary to administer and enforce Texas Occupations Code, Chapter 401; as well as Texas Occupations Code, Section 401.2022 and Section 401.405, which specifically authorize the board to adopt telepractice rules for audiologists and speech-language pathologists.