

TexLa Legislative/Regulatory January 2015 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 |
|-------|------------------------|------------------------|--|
| Texas | SB 190 | 11/24/14: Prefiled | This bill would adopt the Interstate Medical Licensure Compact developed by the Federation of State Medical Boards. Similar to HB 661 |
| Texas | HB 661 | 1/13/15: Introduced | This bill would adopt the Federation of State Medical Board's Interstate Medical Licensure Compact. Similar to SB 190 |
| Texas | SB 219 | 1/13/15: Introduced | This bill would clarify certain statutory provisions related to telehealth and telemedicine reimbursement under the TX Medicaid program. Similar to HB 550. |
| Texas | HB 550 | 1/13/15: Introduced | This bill would clarify certain statutory provisions related to telehealth and telemedicine reimbursement under the TX Medicaid program. Similar to SB 219. |

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 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 | 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. |
| Texas | 40 TAC 12 362.362.1 | 11/20/14: Proposed rule Comment Deadline: 1/4/14 | Title: Definitions Agency: Board of Occupational Therapy Examiners The Texas Board of Occupational Therapy Examiners proposes an amendment to Section 362.1, concerning definitions in that section. The amendment will clarify existing definitions with regard to and add new definitions related to telehealth. |
| Texas | 40 TAC 12.372.372.1 | 11/20/14: Proposed rule Comment Deadline: 1/4/14 | Title: Provision of Service Agency: Board of Occupational Therapy Examiners The Texas Board of Occupational Therapy Examiners proposes an amendment to Section 372.1, concerning the provision of services. The amendment will clarify the existing rule in general and with regard to telehealth. The amendment will also add the requirement that the occupational therapist who screens, evaluates, or implements the plan of care is responsible for determining the need for the physical presence of an occupational therapy practitioner during any interactions with clients. (no text of Lexis Nexis) |
| Texas | 40 TAC 12.37.373.1-3 | 11/20/14: Proposed rule Comment Deadline: 1/4/15 | Title: Supervision Agency: Board of Occupational Therapy Examiners The amendments will clarify supervision requirements in general and with regard to supervision via telehealth. |
| Texas | Rule 174 | Proposed | 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 |

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| | | | 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. |
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Adopted Regulation

| State | Lexis Ref. # | Status | Summary |
|-------|---|---|--|
| Texas | 22 TAC 7.141.30 | 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 | 4TAC 1.30.B.30.240-.244 | 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 | TAC, Title 22, Part 9 | Emergency Rule Adopted, Injunction filed | 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 the patient to be located at an <i>Established Medical Site</i> . |