

## TexLa Legislative/Regulatory March 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**

<b>State</b>	<b>Bill Number</b>	<b>Status</b>	<b>Summary</b>
Louisiana	HCR 4	3/27/15: Prefiled	This bill is a concurrent resolution to express the intent of the legislature regarding the standard of care that physicians are required to use in the practice of telemedicine pursuant to the provisions of Act No. 442 of the 2014 Regular Session of the Legislature of Louisiana.
Texas	<a href="#">HB 550</a>	3/26/15: Laid on the table subject to call.	This bill would clarify certain statutory provisions related to telehealth and telemedicine reimbursement under the TX Medicaid program. Similar to SB 219.
Texas	<a href="#">HB 661</a>	3/19/15: Reported favorably out of the House Committee on Public Health.	This bill would adopt the Federation of State Medical Board's Interstate Medical Licensure Compact. Similar to SB 190.
Texas	<a href="#">HB 1475</a>	3/24/15: Referred to Public Education Committee	Relates to telecommunications service discounts for educational institutions, libraries, hospitals, and telemedicine centers.
Texas	<a href="#">HB 1940</a>	3/17/15: Referred to House Public Health	This bill would allow a dental hygienist to use telemedicine to practice dental hygiene in any setting authorized by law for the practice of dental hygiene.

		Committee	
Texas	<a href="#">HB 2082</a>	3/13/15: Referred to House Public Health Committee	This bill would develop a pilot program to provide telemedicine medical services to certain children.
Texas	<a href="#">HB 2172</a>	3/12/15: Referred to Insurance Committee	<p>This bill stipulates that a health benefit plan may not cover a telemedicine medical service unless the provider:</p> <ol style="list-style-type: none"> <li>1. Is licensed;</li> <li>2. Has an established physician-patient relationship;</li> <li>3. Is able to verify the patient's identity;</li> <li>4. Discusses risks and benefits with the patient;</li> <li>5. Advises the patient to seek in-person care if symptoms do not improve;</li> <li>6. Provides only services that are medically indicated;</li> <li>7. Adopts protocols to prevent fraud and abuse;</li> <li>8. Does not violate state or federal laws relating to patient privacy;</li> <li>9. Maintains proper medical records;</li> <li>10. Does not treat chronic pain with certain controlled substances; and</li> <li>11. Practices according to appropriate standards.</li> </ol> <p>According to this bill, a telemedicine provider may establish a physician-patient relationship in an initial encounter. Informed consent is required in this bill.</p>
Texas	<a href="#">HB 2250</a>	3/13/15: Referred to Public Health Committee	This bill would require written informed consent to deliver telehealth that must be retained in a patient's medical record. It also states that a treating physician can determine whether the presence of a physician or health professional is required at the originating site, as well as if the patient's residence is an appropriate site for the patient to receive services.
Texas	<a href="#">HB 2796</a>	3/16/15: Referred to State Affairs Committee	This bill would allow certain telecommunications providers to commit to making infrastructure and network improvements in exchange for support from the universal service fund. Among other things, it would provide the necessary infrastructure in rural areas to support access to telemedicine applications. It would also allow for private network services to telemedicine centers (among other venues).

Texas	<a href="#">HB 3127</a>	3/23/15: Referred to House State Affairs Committee	This bill would relate to the authority of certain telecommunications providers to commit to making infrastructure and network improvements in exchange for support from the universal service fund.
Texas	<a href="#">HB 3444</a>	3/18/15: Referred to House Public Health Committee	This bill relates to the provision of telemedicine medical services by a physician.
Texas	<a href="#">HB 3476</a>	3/18/15: Referred to House Public Health Committee	This bill would allow for the reimbursement of home telemonitoring services, telemedicine medical services and telehealth services under the Medicaid program.
Texas	<a href="#">HB 3753</a>	3/24/15: Referred to State Affairs Committee	This bill provides for telecommunications service discounts for educational institutions, libraries, hospitals and telemedicine centers.
Texas	<a href="#">SB 190</a>	1/27/15: Introduced and referred to Health and Human Services	This bill would adopt the Interstate Medical Licensure Compact developed by the Federation of State Medical Boards. (Similar to HB 661)
Texas	<a href="#">SB 219</a>	3/24/15: Committee report printed and distributed	This bill would clarify certain statutory provisions related to telehealth and telemedicine reimbursement under the TX Medicaid program. (Similar to HB 550.)
Texas	<a href="#">SB 1119</a>	3/16/15: Referred to Health and Human Services Committee	This bill establishes a pilot project to evaluate the use of telepractice to provide certain services to children and adults with an autism spectrum disorder.

Texas	<a href="#">SB 1177</a>	3/17/15: Referred to Health and Human Services Committee	This bill defines telemedicine and telehealth and establishes specific rules pertaining to when a physician can prescribe controlled substances via telemedicine. It does state that a physician-patient relationship can be established in an initial encounter through the use of telecommunications technology.
Texas	<a href="#">SB 1689</a>	3/23/15: Referred to Health and Human Services Committee	This bill would provide for the reimbursement of providers under the Medicaid program for the provision of telemedicine medical services in a school-based setting.
Texas	<a href="#">SB 1886</a>	3/25/15: Referred to Health and Human Services Committee	This bill would establish a telemedicine medical services program for children with chronic or complex medical needs. The program would enable an eligible child to receive medical assistance benefits for health care services provided in the child's residence through telemedicine and provide reimbursement to pediatric subspecialists who provide telemedicine medical services.

## **REGULATION**

### **Pending Regulation**

<b>State</b>	<b>Lexis Ref. #</b>	<b>Status</b>	<b>Summary</b>
Louisiana	<a href="#">LAC 46:XLV.405 and Ch. 75</a>	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.
Louisiana	<a href="#">LAC 46:XLV.7507, 7509, and 7513</a>	2/26/15: Public Hearing	Title: Physician Practice; Telemedicine Board of Medical Examiners This regulation would revise practice standards when delivering services through telemedicine. <a href="http://www.lsbme.la.gov/licensure/rules">http://www.lsbme.la.gov/licensure/rules</a>

Texas	<a href="#">Rule 174</a> 22 TAC 9.174	2/23/15: Proposed Comment Deadline: 4/5/15	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, 9.190.B.190.8</a>	2/23/15: Proposed Comment Deadline: 4/5/15	Title: Disciplinary Guidelines 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.

### Adopted

State	Lexis Ref. #	Status	Summary
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="#">TAC, Title 22, 9.190.B.190.8</a>	1/16/15: Emergency Rule Adopted Effective: 1/16/15 Expires: 5/20/15	Title: Disciplinary Guidelines 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.
Texas	<a href="#">37 TAC 11.380.9103, et al</a>	3/23/15: Adopted Rule	Title: Health Care Services Agency: Juvenile Justice Department

		Effective: 4/15/15	Provides for rules concerning health care services in the Texas Juvenile Justice Department, including how telemedicine can be used.
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