

1-1 By: Klick, Guerra (Senate Sponsor - Perry) H.B. No. 2056
 1-2 (In the Senate - Received from the House May 10, 2021;
 1-3 May 10, 2021, read first time and referred to Committee on Health &
 1-4 Human Services; May 20, 2021, reported favorably by the following
 1-5 vote: Yeas 8, Nays 0; May 20, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the practice of dentistry and the provision of
 1-20 teledentistry dental services.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. The heading to Chapter 111, Occupations Code, is
 1-23 amended to read as follows:

1-24 CHAPTER 111. TELEMEDICINE, TELEDENTISTRY, AND TELEHEALTH

1-25 SECTION 2. Section 111.001, Occupations Code, is amended by
 1-26 amending Subdivisions (1) and (3) and adding Subdivision (2-a) to
 1-27 read as follows:

1-28 (1) "Dentist," "health [Health] professional," and
 1-29 "physician" have the meanings assigned by Section 1455.001,
 1-30 Insurance Code.

1-31 (2-a) "Teledentistry dental service" means a health
 1-32 care service delivered by a dentist, or a health professional
 1-33 acting under the delegation and supervision of a dentist, acting
 1-34 within the scope of the dentist's or health professional's license
 1-35 or certification to a patient at a different physical location than
 1-36 the dentist or health professional using telecommunications or
 1-37 information technology.

1-38 (3) "Telehealth service" means a health service, other
 1-39 than a telemedicine medical service or a teledentistry dental
 1-40 service, delivered by a health professional licensed, certified, or
 1-41 otherwise entitled to practice in this state and acting within the
 1-42 scope of the health professional's license, certification, or
 1-43 entitlement to a patient at a different physical location than the
 1-44 health professional using telecommunications or information
 1-45 technology.

1-46 SECTION 3. Section 111.002, Occupations Code, is amended to
 1-47 read as follows:

1-48 Sec. 111.002. INFORMED CONSENT. (a) A treating physician,
 1-49 dentist, or health professional who provides or facilitates the use
 1-50 of telemedicine medical services, teledentistry dental services,
 1-51 or telehealth services shall ensure that the informed consent of
 1-52 the patient, or another appropriate individual authorized to make
 1-53 health care treatment decisions for the patient, is obtained before
 1-54 telemedicine medical services, teledentistry dental services, or
 1-55 telehealth services are provided.

1-56 (b) A dentist who delegates a teledentistry dental service
 1-57 shall ensure that the informed consent of the patient includes
 1-58 disclosure to the patient that the dentist has delegated the
 1-59 service.

1-60 SECTION 4. Section 111.003, Occupations Code, is amended to
 1-61 read as follows:

2-1 Sec. 111.003. CONFIDENTIALITY. A treating physician,
 2-2 dentist, or health professional who provides or facilitates the use
 2-3 of telemedicine medical services, teledentistry dental services,
 2-4 or telehealth services shall ensure that the confidentiality of the
 2-5 patient's clinical [medical] information is maintained as required
 2-6 by Chapter 159, by Subchapter C, Chapter 258, or by other applicable
 2-7 law.

2-8 SECTION 5. Section 111.004, Occupations Code, is amended
 2-9 to read as follows:

2-10 Sec. 111.004. RULES. (a) The Texas Medical Board, in
 2-11 consultation with the commissioner of insurance, as appropriate,
 2-12 may adopt rules necessary to:

2-13 (1) ensure that patients using telemedicine medical
 2-14 services receive appropriate, quality care;

2-15 (2) prevent abuse and fraud in the use of telemedicine
 2-16 medical services, including rules relating to the filing of claims
 2-17 and records required to be maintained in connection with
 2-18 telemedicine medical services;

2-19 (3) ensure adequate supervision of health
 2-20 professionals who are not physicians and who provide telemedicine
 2-21 medical services; and

2-22 (4) establish the maximum number of health
 2-23 professionals who are not physicians that a physician may supervise
 2-24 through a telemedicine medical service.

2-25 (b) The State Board of Dental Examiners, in consultation
 2-26 with the commissioner of insurance, as appropriate, may adopt rules
 2-27 necessary to:

2-28 (1) ensure that patients using teledentistry dental
 2-29 services receive appropriate, quality care;

2-30 (2) prevent abuse and fraud in the use of
 2-31 teledentistry dental services, including rules relating to the
 2-32 filing of claims and records required to be maintained in
 2-33 connection with teledentistry dental services;

2-34 (3) ensure adequate supervision of health
 2-35 professionals who are not dentists and who provide teledentistry
 2-36 dental services under the delegation and supervision of a dentist;
 2-37 and

2-38 (4) authorize a dentist to simultaneously delegate to
 2-39 and supervise through a teledentistry dental service not more than
 2-40 five health professionals who are not dentists.

2-41 SECTION 6. The heading to Section 111.005, Occupations
 2-42 Code, is amended to read as follows:

2-43 Sec. 111.005. PRACTITIONER-PATIENT RELATIONSHIP FOR
 2-44 TELEMEDICINE MEDICAL SERVICES OR TELEDENTISTRY DENTAL SERVICES.

2-45 SECTION 7. Section 111.005(a), Occupations Code, is amended
 2-46 to read as follows:

2-47 (a) For purposes of Section 562.056, a valid
 2-48 practitioner-patient relationship is present between a
 2-49 practitioner providing a telemedicine medical service or a
 2-50 teledentistry dental service and a patient receiving the
 2-51 [telemedicine medical] service as long as the practitioner complies
 2-52 with the standard of care described in Section 111.007 and the
 2-53 practitioner:

2-54 (1) has a preexisting practitioner-patient
 2-55 relationship with the patient established in accordance with rules
 2-56 adopted under Section 111.006;

2-57 (2) communicates, regardless of the method of
 2-58 communication, with the patient pursuant to a call coverage
 2-59 agreement established in accordance with:

2-60 (A) Texas Medical Board rules with a physician
 2-61 requesting coverage of medical care for the patient; or

2-62 (B) State Board of Dental Examiners rules with a
 2-63 dentist requesting coverage of dental care for the patient; or

2-64 (3) provides the telemedicine medical services or
 2-65 teledentistry dental services through the use of one of the
 2-66 following methods, as long as the practitioner complies with the
 2-67 follow-up requirements in Subsection (b), and the method allows the
 2-68 practitioner to have access to, and the practitioner uses, the
 2-69 relevant clinical information that would be required in accordance

3-1 with the standard of care described in Section 111.007:

3-2 (A) synchronous audiovisual interaction between
3-3 the practitioner and the patient in another location;

3-4 (B) asynchronous store and forward technology,
3-5 including asynchronous store and forward technology in conjunction
3-6 with synchronous audio interaction between the practitioner and the
3-7 patient in another location, as long as the practitioner uses
3-8 clinical information from:

3-9 (i) clinically relevant photographic or
3-10 video images, including diagnostic images; or

3-11 (ii) the patient's relevant clinical
3-12 ~~[medical]~~ records, such as the relevant medical or dental history,
3-13 laboratory and pathology results, and prescriptive histories; or

3-14 (C) another form of audiovisual
3-15 telecommunication technology that allows the practitioner to
3-16 comply with the standard of care described in Section 111.007.

3-17 SECTION 8. Section 111.006, Occupations Code, is amended by
3-18 adding Subsection (c) to read as follows:

3-19 (c) The State Board of Dental Examiners and the Texas State
3-20 Board of Pharmacy shall jointly adopt rules that establish the
3-21 determination of a valid prescription in accordance with Section
3-22 111.005. Rules adopted under this subsection must allow for the
3-23 establishment of a practitioner-patient relationship by a
3-24 teledentistry dental service provided by a dentist to a patient in a
3-25 manner that complies with Section 111.005(a)(3) and must be
3-26 substantially similar to the rules adopted under Subsection (a) of
3-27 this section. The State Board of Dental Examiners and the Texas
3-28 State Board of Pharmacy shall jointly develop and publish on each
3-29 respective board's Internet website responses to frequently asked
3-30 questions relating to the determination of a valid prescription
3-31 issued in the course of the provision of teledentistry dental
3-32 services.

3-33 SECTION 9. Section 111.007, Occupations Code, is amended to
3-34 read as follows:

3-35 Sec. 111.007. STANDARD OF CARE FOR TELEMEDICINE MEDICAL
3-36 SERVICES, TELEDENTISTRY DENTAL SERVICES, AND TELEHEALTH SERVICES.

3-37 (a) A health professional providing a health care service or
3-38 procedure as a telemedicine medical service, a teledentistry dental
3-39 service, or a telehealth service is subject to the standard of care
3-40 that would apply to the provision of the same health care service or
3-41 procedure in an in-person setting.

3-42 (b) An agency with regulatory authority over a health
3-43 professional may not adopt rules pertaining to telemedicine medical
3-44 services, teledentistry dental services, or telehealth services
3-45 that would impose a higher standard of care than the standard
3-46 described in Subsection (a).

3-47 SECTION 10. Chapter 111, Occupations Code, is amended by
3-48 adding Section 111.0075 to read as follows:

3-49 Sec. 111.0075. LICENSING FOR TELEDENTISTRY DENTAL
3-50 SERVICES. A health professional providing a health care service or
3-51 procedure as a teledentistry dental service is subject to the
3-52 licensing requirements that would apply to the provision of the
3-53 same health care service or procedure in an in-person setting.

3-54 SECTION 11. Chapter 111, Occupations Code, is amended by
3-55 adding Section 111.009 to read as follows:

3-56 Sec. 111.009. LIMITATION ON CERTAIN PRESCRIPTIONS. (a) In
3-57 this section:

3-58 (1) "Controlled substance," "opiate," and "prescribe"
3-59 have the meanings assigned by Section 481.002, Health and Safety
3-60 Code.

3-61 (2) "National holiday" means a day described by
3-62 Section 662.003(a), Government Code.

3-63 (b) The State Board of Dental Examiners by rule shall
3-64 establish limits on the quantity of a controlled substance,
3-65 including an opiate, that a dentist may prescribe to a patient as a
3-66 teledentistry dental service. Except as provided by Subsection
3-67 (c), the rules may not authorize a dentist to prescribe more than is
3-68 necessary to supply a patient for:

3-69 (1) if the prescription is for an opiate, a two-day

4-1 period; or
 4-2 (2) if the prescription is for a controlled substance
 4-3 other than an opiate, a five-day period.

4-4 (c) For each day in a period described by Subsection (b)(1)
 4-5 or (2) that is a Saturday, Sunday, or national holiday, the period
 4-6 is extended to include the next day that is not a Saturday, Sunday,
 4-7 or national holiday.

4-8 (d) Rules adopted under this section must comply with
 4-9 applicable federal laws and rules.

4-10 SECTION 12. Section 251.003, Occupations Code, is amended
 4-11 by adding Subsection (d) to read as follows:

4-12 (d) For purposes of this subtitle, a person located in
 4-13 another state practices dentistry in this state and is required to
 4-14 hold a license to practice dentistry in this state if the person
 4-15 through the use of any medium, including an electronic medium,
 4-16 performs an act that constitutes the practice of dentistry on a
 4-17 patient in this state.

4-18 SECTION 13. Chapter 254, Occupations Code, is amended by
 4-19 adding Section 254.0035 to read as follows:

4-20 Sec. 254.0035. RULES REGARDING CALL COVERAGE AGREEMENTS.
 4-21 The board shall adopt rules governing a call coverage agreement
 4-22 between dentists.

4-23 SECTION 14. Section 258.001, Occupations Code, is amended
 4-24 to read as follows:

4-25 Sec. 258.001. IMPERMISSIBLE DELEGATIONS. A dentist may not
 4-26 delegate:

4-27 (1) an act to an individual who, by board order, is
 4-28 prohibited from performing the act;

4-29 (2) any of the following acts to a person not licensed
 4-30 as a dentist or dental hygienist:

4-31 (A) the removal of calculus, deposits, or
 4-32 accretions from the natural and restored surfaces of exposed human
 4-33 teeth and restorations in the human mouth;

4-34 (B) root planing or the smoothing and polishing
 4-35 of roughened root surfaces or exposed human teeth; or

4-36 (C) any other act the delegation of which is
 4-37 prohibited by board rule;

4-38 (3) any of the following acts to a person not licensed
 4-39 as a dentist:

4-40 (A) comprehensive examination or diagnosis and
 4-41 treatment planning;

4-42 (B) a surgical or cutting procedure on hard or
 4-43 soft tissue;

4-44 (C) the prescription of a drug, medication, or
 4-45 work authorization;

4-46 (D) the taking of an impression for a final
 4-47 restoration, appliance, or prosthesis;

4-48 (E) the making of an intraoral occlusal
 4-49 adjustment;

4-50 (F) direct pulp capping, pulpotomy, or any other
 4-51 endodontic procedure;

4-52 (G) the final placement and intraoral adjustment
 4-53 of a fixed or removable appliance; or

4-54 (H) the placement of any final restoration; or

4-55 (4) the authority to an individual to administer a
 4-56 local anesthetic agent, inhalation sedative agent, parenteral
 4-57 sedative agent, or general anesthetic agent, including as a
 4-58 teledentistry dental service as that term is defined by Section
 4-59 111.001, if the individual is not licensed as:

4-60 (A) a dentist with a permit issued by the board
 4-61 for the procedure being performed, if a permit is required;

4-62 (B) a certified registered nurse anesthetist
 4-63 licensed by the Texas Board of Nursing, only if the delegating
 4-64 dentist holds a permit issued by the board for the procedure being
 4-65 performed, if a permit is required; or

4-66 (C) a physician anesthesiologist licensed by the
 4-67 Texas Medical Board.

4-68 SECTION 15. Section 262.152, Occupations Code, is amended
 4-69 to read as follows:

5-1 Sec. 262.152. PERFORMANCE OF DELEGATED DUTIES. (a) Except
5-2 as provided by Section 262.1515, a dental hygienist shall practice
5-3 dental hygiene:

5-4 (1) in the dental office of a supervising dentist
5-5 licensed by the board; or

5-6 (2) in an alternate setting, including a nursing home,
5-7 the patient's home, a school, a hospital, a state institution, a
5-8 public health clinic, or another institution, under the supervision
5-9 of a supervising dentist.

5-10 (b) For purposes of this section, a dental hygienist who
5-11 practices dental hygiene as a teledentistry dental service, as
5-12 defined by Section 111.001, is practicing in an alternate setting
5-13 in compliance with Subsection (a)(2).

5-14 SECTION 16. Section 562.056(c), Occupations Code, is
5-15 amended to read as follows:

5-16 (c) For purposes of this section and Section 562.112, a
5-17 valid practitioner-patient relationship is present between a
5-18 practitioner providing telemedicine medical services or
5-19 teledentistry dental services and the patient receiving the
5-20 ~~[telemedicine medical]~~ services if the practitioner has complied
5-21 with the requirements for establishing such a relationship in
5-22 accordance with Section 111.005.

5-23 SECTION 17. Section 531.001, Government Code, is amended by
5-24 amending Subdivision (4-d) and adding Subdivision (6-a) to read as
5-25 follows:

5-26 (4-d) "Platform" means the technology, system,
5-27 software, application, modality, or other method through which a
5-28 health professional remotely interfaces with a patient when
5-29 providing a health care service or procedure as a telemedicine
5-30 medical service, teledentistry dental service, or telehealth
5-31 service.

5-32 (6-a) "Teledentistry dental service" has the meaning
5-33 assigned by Section 111.001, Occupations Code.

5-34 SECTION 18. Section 531.0216, Government Code, is amended
5-35 to read as follows:

5-36 Sec. 531.0216. PARTICIPATION AND REIMBURSEMENT OF
5-37 TELEMEDICINE MEDICAL SERVICE PROVIDERS, TELEDENTISTRY DENTAL
5-38 SERVICE PROVIDERS, AND TELEHEALTH SERVICE PROVIDERS UNDER
5-39 MEDICAID. (a) The executive commissioner by rule shall develop and
5-40 implement a system to reimburse providers of services under
5-41 Medicaid for services performed using telemedicine medical
5-42 services, teledentistry dental services, or telehealth services.

5-43 (c) The commission shall encourage health care providers
5-44 and health care facilities to provide telemedicine medical
5-45 services, teledentistry dental services, and telehealth services
5-46 in the health care delivery system. The commission may not require
5-47 that a service be provided to a patient through telemedicine
5-48 medical services, teledentistry dental services, or telehealth
5-49 services.

5-50 (c-1) The commission shall explore opportunities to
5-51 increase STAR Health program providers' use of telemedicine medical
5-52 services in medically underserved areas of this state.

5-53 (d) Subject to Sections 111.004 and [Section] 153.004,
5-54 Occupations Code, the executive commissioner may adopt rules as
5-55 necessary to implement this section. In the rules adopted under
5-56 this section, the executive commissioner shall:

5-57 (1) refer to the site where the patient is physically
5-58 located as the patient site; and

5-59 (2) refer to the site where the physician, dentist, or
5-60 health professional providing the telemedicine medical service,
5-61 teledentistry dental service, or telehealth service is physically
5-62 located as the distant site.

5-63 (f) Not later than December 1 of each even-numbered year,
5-64 the commission shall report to the speaker of the house of
5-65 representatives and the lieutenant governor on the effects of
5-66 telemedicine medical services, teledentistry dental services,
5-67 telehealth services, and home telemonitoring services on Medicaid
5-68 in the state, including the number of physicians, dentists, health
5-69 professionals, and licensed health care facilities using

6-1 telemedicine medical services, teledentistry dental services,
 6-2 telehealth services, or home telemonitoring services, the
 6-3 geographic and demographic disposition of the physicians,
 6-4 dentists, and health professionals, the number of patients
 6-5 receiving telemedicine medical services, teledentistry dental
 6-6 services, telehealth services, and home telemonitoring services,
 6-7 the types of services being provided, the cost of utilization, and
 6-8 the cost savings of telemedicine medical services, teledentistry
 6-9 dental services, telehealth services, and home telemonitoring
 6-10 services to Medicaid.

6-11 (g) The commission shall ensure that a Medicaid managed care
 6-12 organization:

6-13 (1) does not deny reimbursement for a covered health
 6-14 care service or procedure delivered by a health care provider with
 6-15 whom the managed care organization contracts to a Medicaid
 6-16 recipient as a telemedicine medical service, a teledentistry dental
 6-17 service, or a telehealth service solely because the covered service
 6-18 or procedure is not provided through an in-person consultation;

6-19 (2) does not limit, deny, or reduce reimbursement for
 6-20 a covered health care service or procedure delivered by a health
 6-21 care provider with whom the managed care organization contracts to
 6-22 a Medicaid recipient as a telemedicine medical service, a
 6-23 teledentistry dental service, or a telehealth service based on the
 6-24 health care provider's choice of platform for providing the health
 6-25 care service or procedure; and

6-26 (3) ensures that the use of telemedicine medical
 6-27 services, teledentistry dental services, or telehealth services
 6-28 promotes and supports patient-centered medical homes by allowing a
 6-29 Medicaid recipient to receive a telemedicine medical service,
 6-30 teledentistry dental service, or telehealth service from a provider
 6-31 other than the recipient's primary care physician or provider,
 6-32 except as provided by Section 531.0217(c-4), only if:

6-33 (A) the telemedicine medical service,
 6-34 teledentistry dental service, or telehealth service is provided in
 6-35 accordance with the law and contract requirements applicable to the
 6-36 provision of the same health care service in an in-person setting,
 6-37 including requirements regarding care coordination; and

6-38 (B) the provider of the telemedicine medical
 6-39 service, teledentistry dental service, or telehealth service gives
 6-40 notice to the Medicaid recipient's primary care physician or
 6-41 provider regarding the [~~telemedicine medical service or~~
 6-42 ~~telehealth~~] service, including a summary of the service, exam
 6-43 findings, a list of prescribed or administered medications, and
 6-44 patient instructions, for the purpose of sharing medical
 6-45 information, provided that the recipient has a primary care
 6-46 physician or provider and the recipient or, if appropriate, the
 6-47 recipient's parent or legal guardian, consents to the notice.

6-48 (h) The commission shall develop, document, and implement a
 6-49 monitoring process to ensure that a Medicaid managed care
 6-50 organization ensures that the use of telemedicine medical services,
 6-51 teledentistry dental services, or telehealth services promotes and
 6-52 supports patient-centered medical homes and care coordination in
 6-53 accordance with Subsection (g)(3). The process must include
 6-54 monitoring of the rate at which a telemedicine medical service,
 6-55 teledentistry dental service, or telehealth service provider gives
 6-56 notice in accordance with Subsection (g)(3)(B).

6-57 (i) The executive commissioner by rule shall ensure that a
 6-58 federally-qualified [~~federally qualified~~] health center as defined
 6-59 by 42 U.S.C. Section 1396d(l)(2)(B) may be reimbursed for the
 6-60 originating site facility fee or the distant site practitioner fee
 6-61 or both, as appropriate, for a covered telemedicine medical
 6-62 service, teledentistry dental service, or telehealth service
 6-63 delivered by a health care provider to a Medicaid recipient. The
 6-64 commission is required to implement this subsection only if the
 6-65 legislature appropriates money specifically for that purpose. If
 6-66 the legislature does not appropriate money specifically for that
 6-67 purpose, the commission may, but is not required to, implement this
 6-68 subsection using other money available to the commission for that
 6-69 purpose.

7-1 (j) In complying with state and federal requirements to
 7-2 provide access to medically necessary services under the Medicaid
 7-3 managed care program, a Medicaid managed care organization
 7-4 determining whether reimbursement for a telemedicine medical
 7-5 service, teledentistry dental service, or telehealth service is
 7-6 appropriate shall continue to consider other factors, including
 7-7 whether reimbursement is cost-effective and whether the provision
 7-8 of the service is clinically effective.

7-9 SECTION 19. The heading to Section 531.02162, Government
 7-10 Code, is amended to read as follows:

7-11 Sec. 531.02162. MEDICAID SERVICES PROVIDED THROUGH
 7-12 TELEMEDICINE MEDICAL SERVICES, TELEDENTISTRY DENTAL SERVICES, AND
 7-13 TELEHEALTH SERVICES TO CHILDREN WITH SPECIAL HEALTH CARE NEEDS.

7-14 SECTION 20. Sections 531.02162(b) and (c), Government Code,
 7-15 are amended to read as follows:

7-16 (b) The executive commissioner by rule shall establish
 7-17 policies that permit reimbursement under Medicaid and the child
 7-18 health plan program for services provided through telemedicine
 7-19 medical services, teledentistry dental services, and telehealth
 7-20 services to children with special health care needs.

7-21 (c) The policies required under this section must:

7-22 (1) be designed to:

7-23 (A) prevent unnecessary travel and encourage
 7-24 efficient use of telemedicine medical services, teledentistry
 7-25 dental services, and telehealth services for children with special
 7-26 health care needs in all suitable circumstances; and

7-27 (B) ensure in a cost-effective manner the
 7-28 availability to a child with special health care needs of services
 7-29 appropriately performed using telemedicine medical services,
 7-30 teledentistry dental services, and telehealth services that are
 7-31 comparable to the same types of services available to that child
 7-32 without the use of telemedicine medical services, teledentistry
 7-33 dental services, and telehealth services; and

7-34 (2) provide for reimbursement of multiple providers of
 7-35 different services who participate in a single session of
 7-36 telemedicine medical services, teledentistry dental services,
 7-37 [and] telehealth services, or any combination of those services,
 7-38 [session] for a child with special health care needs, if the
 7-39 commission determines that reimbursing each provider for the
 7-40 session is cost-effective in comparison to the costs that would be
 7-41 involved in obtaining the services from providers without the use
 7-42 of telemedicine medical services, teledentistry dental services,
 7-43 and telehealth services, including the costs of transportation and
 7-44 lodging and other direct costs.

7-45 SECTION 21. Subchapter B, Chapter 531, Government Code, is
 7-46 amended by adding Section 531.02172 to read as follows:

7-47 Sec. 531.02172. REIMBURSEMENT FOR TELEDENTISTRY DENTAL
 7-48 SERVICES. (a) The commission by rule shall require each health and
 7-49 human services agency that administers a part of the Medicaid
 7-50 program to provide Medicaid reimbursement for teledentistry dental
 7-51 services provided by a dentist licensed to practice dentistry in
 7-52 this state.

7-53 (b) The commission shall require reimbursement for a
 7-54 teledentistry dental service at the same rate as the Medicaid
 7-55 program reimburses for the same in-person dental service. A
 7-56 request for reimbursement may not be denied solely because an
 7-57 in-person dental service between a dentist and a patient did not
 7-58 occur. The commission may not limit a dentist's choice of platform
 7-59 for providing a teledentistry dental service by requiring that the
 7-60 dentist use a particular platform to receive reimbursement for the
 7-61 service.

7-62 (c) The State Board of Dental Examiners, in consultation
 7-63 with the commission and the commission's office of inspector
 7-64 general, as appropriate, may adopt rules as necessary to:

7-65 (1) ensure that appropriate care, including quality of
 7-66 care, is provided to patients who receive teledentistry dental
 7-67 services; and

7-68 (2) prevent abuse and fraud through the use of
 7-69 teledentistry dental services, including rules relating to filing

8-1 claims and the records required to be maintained in connection with
 8-2 teledentistry dental services.

8-3 SECTION 22. The heading to Section 62.157, Health and
 8-4 Safety Code, is amended to read as follows:

8-5 Sec. 62.157. TELEMEDICINE MEDICAL SERVICES, TELEDENTISTRY
 8-6 DENTAL SERVICES, AND TELEHEALTH SERVICES FOR CHILDREN WITH SPECIAL
 8-7 HEALTH CARE NEEDS.

8-8 SECTION 23. Sections 62.157(a) and (b), Health and Safety
 8-9 Code, are amended to read as follows:

8-10 (a) In providing covered benefits to a child with special
 8-11 health care needs, a health plan provider must permit benefits to be
 8-12 provided through telemedicine medical services, teledentistry
 8-13 dental services, and telehealth services in accordance with
 8-14 policies developed by the commission.

8-15 (b) The policies must provide for:

8-16 (1) the availability of covered benefits
 8-17 appropriately provided through telemedicine medical services,
 8-18 teledentistry dental services, and telehealth services that are
 8-19 comparable to the same types of covered benefits provided without
 8-20 the use of telemedicine medical services, teledentistry dental
 8-21 services, and telehealth services; and

8-22 (2) the availability of covered benefits for different
 8-23 services performed by multiple health care providers during a
 8-24 single [~~telemedicine medical services and telehealth services~~]
 8-25 session of telemedicine medical services, teledentistry dental
 8-26 services, telehealth services, or any combination of those
 8-27 services, if the executive commissioner determines that delivery of
 8-28 the covered benefits in that manner is cost-effective in comparison
 8-29 to the costs that would be involved in obtaining the services from
 8-30 providers without the use of telemedicine medical services,
 8-31 teledentistry dental services, and telehealth services, including
 8-32 the costs of transportation and lodging and other direct costs.

8-33 SECTION 24. Section 62.1571, Health and Safety Code, is
 8-34 amended to read as follows:

8-35 Sec. 62.1571. TELEMEDICINE MEDICAL SERVICES AND
 8-36 TELEDENTISTRY DENTAL SERVICES. (a) In providing covered benefits
 8-37 to a child, a health plan provider must permit benefits to be
 8-38 provided through telemedicine medical services and teledentistry
 8-39 dental services in accordance with policies developed by the
 8-40 commission.

8-41 (b) The policies must provide for:

8-42 (1) the availability of covered benefits
 8-43 appropriately provided through telemedicine medical services and
 8-44 teledentistry dental services that are comparable to the same types
 8-45 of covered benefits provided without the use of telemedicine
 8-46 medical services and teledentistry dental services; and

8-47 (2) the availability of covered benefits for different
 8-48 services performed by multiple health care providers during a
 8-49 single session of telemedicine medical services, teledentistry
 8-50 dental services, or both services, if the executive commissioner
 8-51 determines that delivery of the covered benefits in that manner is
 8-52 cost-effective in comparison to the costs that would be involved in
 8-53 obtaining the services from providers without the use of
 8-54 telemedicine medical services or teledentistry dental services,
 8-55 including the costs of transportation and lodging and other direct
 8-56 costs.

8-57 (c) [~~(d)~~] In this section, "teledentistry dental service"
 8-58 and "telemedicine medical service" have [has] the meanings
 8-59 [meaning] assigned by Section 531.001, Government Code.

8-60 SECTION 25. The heading to Chapter 1455, Insurance Code, is
 8-61 amended to read as follows:

8-62 CHAPTER 1455. TELEMEDICINE, TELEDENTISTRY, AND TELEHEALTH

8-63 SECTION 26. Section 1455.001, Insurance Code, is amended by
 8-64 amending Subdivisions (1) and (3) and adding Subdivision (1-a) to
 8-65 read as follows:

8-66 (1) "Dentist" means a person licensed to practice
 8-67 dentistry in this state under Subtitle D, Title 3, Occupations
 8-68 Code.

8-69 (1-a) "Health professional" means:

9-1 (A) a physician;
 9-2 (B) an individual who is:
 9-3 (i) licensed or certified in this state to
 9-4 perform health care services; and
 9-5 (ii) authorized to assist:
 9-6 (a) a physician in providing
 9-7 telemedicine medical services that are delegated and supervised by
 9-8 the physician; or
 9-9 (b) a dentist in providing
 9-10 teledentistry dental services that are delegated and supervised by
 9-11 the dentist;

9-12 (C) a licensed or certified health professional
 9-13 acting within the scope of the license or certification who does not
 9-14 perform a telemedicine medical service or a teledentistry dental
 9-15 service; or

9-16 (D) a dentist.
 9-17 (3) "Teledentistry dental service," "telehealth
 9-18 ["Telehealth] service," and "telemedicine medical service" have
 9-19 the meanings assigned by Section 111.001, Occupations Code.

9-20 SECTION 27. Section 1455.004, Insurance Code, is amended to
 9-21 read as follows:

9-22 Sec. 1455.004. COVERAGE FOR TELEMEDICINE MEDICAL SERVICES,
 9-23 TELEDENTISTRY DENTAL SERVICES, AND TELEHEALTH SERVICES. (a) A
 9-24 health benefit plan:

9-25 (1) must provide coverage for a covered health care
 9-26 service or procedure delivered by a preferred or contracted health
 9-27 professional to a covered patient as a telemedicine medical
 9-28 service, teledentistry dental service, or telehealth service on the
 9-29 same basis and to the same extent that the plan provides coverage
 9-30 for the service or procedure in an in-person setting; and

9-31 (2) may not:
 9-32 (A) exclude from coverage a covered health care
 9-33 service or procedure delivered by a preferred or contracted health
 9-34 professional to a covered patient as a telemedicine medical
 9-35 service, a teledentistry dental service, or a telehealth service
 9-36 solely because the covered health care service or procedure is not
 9-37 provided through an in-person consultation; and

9-38 (B) subject to Subsection (c), limit, deny, or
 9-39 reduce coverage for a covered health care service or procedure
 9-40 delivered as a telemedicine medical service, teledentistry dental
 9-41 service, or telehealth service based on the health professional's
 9-42 choice of platform for delivering the service or procedure.

9-43 (b) A health benefit plan may require a deductible, a
 9-44 copayment, or coinsurance for a covered health care service or
 9-45 procedure delivered by a preferred or contracted health
 9-46 professional to a covered patient as a telemedicine medical
 9-47 service, a teledentistry dental service, or a telehealth service.
 9-48 The amount of the deductible, copayment, or coinsurance may not
 9-49 exceed the amount of the deductible, copayment, or coinsurance
 9-50 required for the covered health care service or procedure provided
 9-51 through an in-person consultation.

9-52 (b-1) Subsection (b) does not authorize a health benefit
 9-53 plan to charge a separate deductible that applies only to a covered
 9-54 health care service or procedure delivered as a telemedicine
 9-55 medical service, teledentistry dental service, or telehealth
 9-56 service.

9-57 (c) Notwithstanding Subsection (a), a health benefit plan
 9-58 is not required to provide coverage for a telemedicine medical
 9-59 service, a teledentistry dental service, or a telehealth service
 9-60 provided by only synchronous or asynchronous audio interaction,
 9-61 including:

- 9-62 (1) an audio-only telephone consultation;
- 9-63 (2) a text-only e-mail message; or
- 9-64 (3) a facsimile transmission.

9-65 (d) A health benefit plan may not impose an annual or
 9-66 lifetime maximum on coverage for covered health care services or
 9-67 procedures delivered as telemedicine medical services,
 9-68 teledentistry dental services, or telehealth services other than
 9-69 the annual or lifetime maximum, if any, that applies in the

10-1 aggregate to all items and services and procedures covered under
10-2 the plan.

10-3 SECTION 28. Section 1455.006, Insurance Code, is amended to
10-4 read as follows:

10-5 Sec. 1455.006. TELEMEDICINE MEDICAL SERVICES,
10-6 TELEDENTISTRY DENTAL SERVICES, AND TELEHEALTH SERVICES STATEMENT.

10-7 (a) Each issuer of a health benefit plan shall adopt and display in
10-8 a conspicuous manner on the health benefit plan issuer's Internet
10-9 website the issuer's policies and payment practices for
10-10 telemedicine medical services, teledentistry dental services, and
10-11 telehealth services.

10-12 (b) This section does not require an issuer of a health
10-13 benefit plan to display negotiated contract payment rates for
10-14 health professionals who contract with the issuer to provide
10-15 telemedicine medical services, teledentistry dental services, or
10-16 telehealth services.

10-17 SECTION 29. Not later than March 1, 2022:

10-18 (1) the State Board of Dental Examiners and the Texas
10-19 State Board of Pharmacy shall jointly adopt rules as required by
10-20 Section 111.006(c), Occupations Code, as added by this Act;

10-21 (2) the State Board of Dental Examiners shall adopt:

10-22 (A) rules necessary to implement Chapter 111,
10-23 Occupations Code, as amended by this Act; and

10-24 (B) rules as required by Section 254.0035,
10-25 Occupations Code, as added by this Act; and

10-26 (3) the Health and Human Services Commission shall
10-27 adopt rules as required by Section 531.02172, Government Code, as
10-28 added by this Act.

10-29 SECTION 30. If before implementing any provision of this
10-30 Act a state agency determines that a waiver or authorization from a
10-31 federal agency is necessary for implementation of that provision,
10-32 the agency affected by the provision shall request the waiver or
10-33 authorization and may delay implementing that provision until the
10-34 waiver or authorization is granted.

10-35 SECTION 31. (a) Except as provided by Subsection (b) of
10-36 this section, this Act takes effect September 1, 2021.

10-37 (b) Sections 1455.004 and 1455.006, Insurance Code, as
10-38 amended by this Act, take effect January 1, 2022.

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