

1-1 By: Darby, et al. (Senate Sponsor - Alvarado) H.B. No. 2792
 1-2 (In the Senate - Received from the House April 26, 2021;
 1-3 May 6, 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 a pilot project to provide emergency telemedicine
 1-20 medical services and telehealth services in rural areas.

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

1-22 SECTION 1. Chapter 771, Health and Safety Code, is amended
 1-23 by adding Subchapter F to read as follows:

1-24 SUBCHAPTER F. NEXT GENERATION 9-1-1 TELEMEDICINE MEDICAL SERVICES
 1-25 AND TELEHEALTH SERVICES PILOT PROJECT

1-26 Sec. 771.151. DEFINITIONS. In this subchapter:

1-27 (1) "Center" means the area health education center at
 1-28 the Texas Tech University Health Sciences Center that meets the
 1-29 requirements of 42 U.S.C. Section 294a and has been awarded federal
 1-30 funding as an area health education center.

1-31 (2) "Emergency medical services" means services used
 1-32 to respond to an individual's perceived need for immediate medical
 1-33 care and to prevent death or aggravation of physiological or
 1-34 psychological illness or injury.

1-35 (3) "Emergency medical services provider" means a
 1-36 person who uses or maintains emergency medical services vehicles,
 1-37 medical equipment, and emergency medical services personnel to
 1-38 provide emergency medical services.

1-39 (4) "Emergency prehospital care" means care provided
 1-40 to a sick or injured individual before or during transportation of
 1-41 the individual to a medical facility, and includes any necessary
 1-42 stabilization of the individual in connection with that
 1-43 transportation.

1-44 (5) "Pilot project" means a pilot project established
 1-45 under Section 771.152.

1-46 (6) "Regional trauma resource center" means a trauma
 1-47 facility the center selects to participate in the pilot project.

1-48 (7) "Rural area" means:

1-49 (A) a county with a population of 50,000 or less;
 1-50 or

1-51 (B) a large, isolated, and sparsely populated
 1-52 area of a county with a population of more than 50,000.

1-53 (8) "Telehealth service" and "telemedicine medical
 1-54 service" have the meanings assigned by Section 111.001, Occupations
 1-55 Code.

1-56 (9) "Trauma facility" means a health care facility
 1-57 equipped and staffed to provide comprehensive treatment of
 1-58 seriously injured individuals as part of an emergency medical
 1-59 services and trauma care system.

1-60 Sec. 771.152. ESTABLISHMENT OF PILOT PROJECT. (a) The
 1-61 commission, with the assistance of the center, shall establish a

2-1 pilot project to provide emergency medical services instruction and
 2-2 emergency prehospital care instruction through a telemedicine
 2-3 medical service or telehealth service provided by regional trauma
 2-4 resource centers to:

2-5 (1) health care providers in rural area trauma
 2-6 facilities; and
 2-7 (2) emergency medical services providers in rural
 2-8 areas.

2-9 (b) The commission shall provide technical assistance to
 2-10 the center in implementing the pilot project.

2-11 (c) The center, with the assistance of the commission,
 2-12 shall:

2-13 (1) design criteria and protocols for each
 2-14 telemedicine medical service or telehealth service offered and the
 2-15 related instruction and provide the oversight necessary to conduct
 2-16 the pilot project;

2-17 (2) define criteria to determine when a telemedicine
 2-18 medical service or telehealth service that provides instruction for
 2-19 emergency medical services, emergency prehospital care, and trauma
 2-20 care should be transferred to an emergency medical resource center
 2-21 for intervention; and

2-22 (3) collect the data necessary to evaluate the
 2-23 project.

2-24 (d) The center may make available appropriate resources for
 2-25 individuals who do not speak English.

2-26 Sec. 771.153. PERSONNEL. The center shall provide the
 2-27 telemedicine medical service or telehealth service and related
 2-28 instruction for the pilot project through health care providers in
 2-29 regional trauma resource centers, including physicians,
 2-30 pharmacists, emergency medical personnel, and other health
 2-31 professionals.

2-32 Sec. 771.154. PARTICIPATION IN PILOT PROJECT. (a) The
 2-33 center shall determine the trauma facilities and emergency medical
 2-34 services providers interested in participating in the pilot
 2-35 project.

2-36 (b) A trauma facility or emergency medical services
 2-37 provider participating in the pilot project must agree to
 2-38 successfully complete any required training and to provide all
 2-39 reports required by the center for the project.

2-40 Sec. 771.155. SELECTION OF PROJECT PARTICIPANTS AND
 2-41 REGIONAL TRAUMA RESOURCE CENTERS. (a) The center, with the
 2-42 assistance of the commission, may select trauma facilities and
 2-43 emergency medical services providers to participate in the pilot
 2-44 project and select trauma facilities to serve as regional trauma
 2-45 resource centers.

2-46 (b) The center may not select a trauma facility to
 2-47 participate in the pilot project or to serve as a regional trauma
 2-48 resource center unless the facility:

2-49 (1) has a quality assurance program that measures each
 2-50 health care provider's compliance with the medical protocol;

2-51 (2) uses emergency medical services and emergency
 2-52 prehospital care protocols approved by a physician medical director
 2-53 knowledgeable in emergency medical services and emergency
 2-54 prehospital care;

2-55 (3) has experience in providing emergency medical
 2-56 services and emergency prehospital care that the center determines
 2-57 is sufficient; and

2-58 (4) has resources sufficient to provide the additional
 2-59 telemedicine medical services or telehealth services and related
 2-60 instruction required for the project in addition to the health care
 2-61 services already provided by the facility.

2-62 (c) In selecting a trauma facility to serve as a regional
 2-63 trauma resource center, the center shall consider the facility
 2-64 personnel's ability to maintain records and produce reports to
 2-65 measure the effectiveness of the pilot project. The center shall
 2-66 share information regarding that ability with the commission.

2-67 Sec. 771.156. FUNDING OF PILOT PROJECT. (a) Money
 2-68 collected under Section 771.072(f) may be appropriated to the
 2-69 commission to fund the pilot project.

3-1 (b) The center may seek grants to fund the pilot project.

3-2 (c) A political subdivision with a trauma facility that

3-3 participates in the pilot project may pay part of the costs of the

3-4 project.

3-5 (d) If a sufficient number of political subdivisions in a

3-6 region that may be served by the pilot project agree to pay the

3-7 center an amount that together with other funding received under

3-8 this section is sufficient to fund the project for the region, the

3-9 center shall:

3-10 (1) contract with the political subdivisions for each

3-11 to pay an appropriate share of the cost; and

3-12 (2) implement the project for the region when the

3-13 amounts agreed to in the contracts and any other funding received

3-14 under this section are sufficient to fund the project for the

3-15 region.

3-16 Sec. 771.157. REPORT TO LEGISLATURE. The center, in

3-17 cooperation with the commission, shall report its findings to the

3-18 governor and the presiding officer of each house of the

3-19 legislature, not later than December 31, 2026.

3-20 Sec. 771.158. LIABILITY. The operations of the center and a

3-21 regional trauma resource center are considered to be the provision

3-22 of 9-1-1 services for purposes of Section 771.053. Employees of and

3-23 volunteers at the regional trauma resource center have the same

3-24 protection from liability as a member of the governing body of a

3-25 public agency under Section 771.053.

3-26 Sec. 771.159. WORK GROUP. (a) The center may appoint a

3-27 project work group to assist the center in developing,

3-28 implementing, and evaluating the pilot project and preparing a

3-29 report on the center's findings.

3-30 (b) A member of the work group is not entitled to

3-31 compensation for serving on the project work group and may not be

3-32 reimbursed for travel or other expenses incurred while conducting

3-33 the business of the project work group.

3-34 (c) The project work group is not subject to Chapter 2110,

3-35 Government Code.

3-36 Sec. 771.160. EXPIRATION. This subchapter expires

3-37 September 1, 2027.

3-38 SECTION 2. Section 771.072(g), Health and Safety Code, is

3-39 amended to read as follows:

3-40 (g) Notwithstanding any other law, revenue derived from the

3-41 equalization surcharge imposed under this section may be

3-42 appropriated to the commission only for the purposes described by

3-43 Section 771.156 and Sections 773.122 through 773.124.

3-44 SECTION 3. This Act takes effect September 1, 2021.

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