

By: Shaheen

H.B. No. 592

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the provision of telehealth and telemedicine medical
3 services by certain health professionals located outside of this
4 state; requiring registration to engage in an occupation;
5 authorizing fees.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Sections 1455.001(1-a) and (2), Insurance Code,
8 are amended to read as follows:

9 (1-a) "Health professional" means:

10 (A) a physician;

11 (B) an individual who is:

12 (i) licensed or certified in this state or
13 by a licensing agency in another state to perform health care
14 services; and

15 (ii) authorized to assist~~+~~

16 [~~(a)~~] a physician in providing
17 telemedicine medical services that are delegated and supervised by
18 the physician; ~~[or~~

19 [~~(b) a dentist in providing~~
20 ~~teledentistry dental services that are delegated and supervised by~~
21 ~~the dentist,~~]

22 (C) an individual who is:

23 (i) licensed or certified in this state to
24 perform health care services; and

1 (ii) authorized to assist a dentist in
2 providing teledentistry dental services that are delegated and
3 supervised by the dentist;

4 (D) [~~(C)~~] a licensed or certified health
5 professional acting within the scope of the license or
6 certification who does not perform a telemedicine medical service
7 or a teledentistry dental service; or

8 (E) [~~(D)~~] a dentist.

9 (2) "Physician" means a person licensed to practice
10 medicine in this state under Subtitle B, Title 3, Occupations Code,
11 or by a licensing agency in another state.

12 SECTION 2. Sections 111.001(3) and (4), Occupations Code,
13 are amended to read as follows:

14 (3) "Telehealth service" means a health service, other
15 than a telemedicine medical service or a teledentistry dental
16 service, delivered by a health professional [~~licensed, certified,~~
17 ~~or otherwise entitled to practice in this state and~~] acting within
18 the scope of the health professional's license, certification, or
19 entitlement to a patient at a different physical location than the
20 health professional using telecommunications or information
21 technology.

22 (4) "Telemedicine medical service" means a health care
23 service delivered by a physician [~~licensed in this state~~], or a
24 health professional acting under the delegation and supervision of
25 a physician [~~licensed in this state~~], and acting within the scope of
26 the physician's or health professional's license to a patient at a
27 different physical location than the physician or health

1 professional using telecommunications or information technology.

2 SECTION 3. Chapter 111, Occupations Code, is amended by
3 adding Section 111.010 to read as follows:

4 Sec. 111.010. PROVISION OF TELEHEALTH OR TELEMEDICINE
5 MEDICAL SERVICE BY HEALTH PROFESSIONAL LOCATED OUTSIDE OF STATE.

6 (a) In this section:

7 (1) "Commission" means the Texas Commission of
8 Licensing and Regulation.

9 (2) "Department" means the Texas Department of
10 Licensing and Regulation.

11 (b) Notwithstanding any other law requiring licensure or
12 certification in this state, a health professional located outside
13 of this state who does not hold a license or certification issued by
14 an agency of this state may provide a telehealth or telemedicine
15 medical service under this chapter if the health professional:

16 (1) holds a current and unrestricted license or
17 certification authorizing the health professional to provide the
18 service and that is issued by a licensing agency of another state;

19 (2) has not been and is not currently the subject of a
20 disciplinary proceeding with respect to the license or
21 certification described by Subdivision (1); and

22 (3) registers with the applicable licensing agency of
23 this state as provided by this section.

24 (c) The agency of this state responsible for regulating the
25 performance of a health care service in this state or the
26 department, if no agency of this state is responsible for
27 regulating the performance of the service in this state, shall:

1 (1) register a health professional described by
2 Subsection (a) to provide telehealth or telemedicine medical
3 services to patients in this state if the health professional:

4 (A) submits an application to the agency or
5 department, as applicable, in the format required by agency or
6 commission rule, as applicable; and

7 (B) pays a registration fee established by rule
8 by the agency or commission, as applicable; and

9 (2) adopt rules necessary to implement this section.

10 (d) A rule adopted under Subsection (c)(2) must provide that
11 a health professional who provides a telehealth or telemedicine
12 medical service under this section shall:

13 (1) comply fully with all applicable laws of this
14 state, including scope of practice, telehealth or telemedicine
15 requirements, and standards of care;

16 (2) maintain liability insurance in accordance with
17 the laws of this state, as applicable;

18 (3) consent to the jurisdiction of this state's courts
19 for any litigation arising from the provision of a telehealth or
20 telemedicine medical service under this section; and

21 (4) be subject to investigation and disciplinary
22 action for a violation of a rule adopted under Subsection (c)(2),
23 including the referral of the violation to the licensing agency in
24 the state that issued the license to the health professional.

25 SECTION 4. Section 1455.001, Insurance Code, as amended by
26 this Act, applies only to a health benefit plan delivered, issued
27 for delivery, or renewed on or after January 1, 2024. A health

1 benefit plan delivered, issued for delivery, or renewed before
2 January 1, 2024, is governed by the law as it existed immediately
3 before the effective date of this Act, and that law is continued in
4 effect for that purpose.

5 SECTION 5. This Act takes effect September 1, 2023.