

BILL ANALYSIS

Senate Research Center

S.B. 1340
By: Madla
Health & Human Services
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Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

In general, the Health and Human Services Commission (HHSC) should be looking to see where telemedicine and telepsychiatry could be used to increase access to services while controlling costs and maintaining quality.

S.B. 1340 requires HHSC to establish a separate identifier for telemedicine medical services eligible for reimbursement. The bill requires HHSC to establish guidelines to permit the remote site "presenter" to be clinically trained staff but not necessarily a medical doctor, advance practice nurse, physician assistant, or registered nurse. S.B. 1340 allows HHSC to provide reimbursement for telemedicine medical services. The bill also requires the Texas State Board of Medical Examiners to update its rules to be consistent with these changes regarding telemedicine.

Further, S.B. 1340 encourages HHSC to recognize the use of telepsychiatry for delivery of services to mental health communities. In order to increase the use of telepsychiatry, the Department of State Health Services will first initiate a pilot a program; HHSC will review the results and then develop guidelines for expansion.

Finally, S.B. 1340 requires HHSC to complete research of certain initiatives and provide an analysis that includes an estimate of potential fiscal impact and identification of any major risks related to providing telemedicine medical services.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Health and Human Services Commission is transferred to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 531.0216, Government Code) of this bill.

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 531.02163, Government Code) and SECTION 5 (Section 531.02175, Government Code) of this bill.

Rulemaking authority previously granted to the Texas State Board of Medical Examiners is modified in SECTION 3 (Section 531.0217, Government Code) of this bill.

Rulemaking authority is expressly granted to the Texas State Board of Medical Examiners in SECTION 3 (Section 531.0217, Government Code) and SECTION 5 (Section 531.02175, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 531.0216(b), Government Code, to require the executive commissioner of the Health and Human Services Commission (HHSC), rather than HHSC, by rule, to consider certain issues in developing a system to reimburse providers of services under the state Medicaid program for services performed using telemedicine medical services, including establish a separate identifier for telemedicine medical services eligible for reimbursement. Replaces the reference to the "Texas Department of Health" with the "Department of State Health Services." Deletes existing text requiring HHSC to identify clinical evidence supporting delivery of health care services using the telecommunication system by January 1, 2001. Makes nonsubstantive changes.

SECTION 2. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.02163, as follows:

Sec. 531.02163. TELEPRESENTERS. (a) Defines "health professional."

(b) Requires the executive commissioner, by rule, to establish and adopt minimum standards to permit the use of trained health professionals in presenting patients who are Medicaid recipients for telemedicine medical services consultations to be conducted by physicians at distant sites.

(c) Authorizes HHSC, notwithstanding Section 531.0217 (Reimbursement for Certain Medical Consultations), to provide reimbursement under the state Medicaid program for a telemedicine medical service initiated by a trained health professional who complies with the minimum standards adopted under this section.

(d) Requires HHSC to provide reimbursement under the state Medicaid program to a physician for overseeing a telemedicine consultation at a telemedicine hub site, if the telepresenter at the remote site is another physician or is an advanced practice nurse, registered nurse, or physician assistant acting under physician delegation and supervision throughout the consultation.

SECTION 3. Amends Section 531.0217, Government Code, by amending Subsection (i) and adding Subsection (i-1), as follows:

(i) Deletes existing text authorizing the Texas State Board of Medical Examiners, in consultation with HHSC and the Department of State Health Services (DSHS), as appropriate, to adopt rules to establish supervisory requirements for a service delegated to and performed by an individual who is not a physician. Makes nonsubstantive changes.

(i-1) Requires the Texas State Board of Medical Examiners (board), in consultation with HHSC, as appropriate, to adopt rules to establish supervisory requirements for a physician delegating a service to be performed by an individual who is not a physician, registered nurse, advanced practice nurse, or physician assistant, including a health professional who is authorized to be a telepresenter under Section 531.02163. Prohibits this section from being construed as authorizing the board to regulate another licensed or certified health care provider.

SECTION 4. Amends Section 531.02172(a), Government Code, to make a conforming change.

SECTION 5. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.02175, as follows:

Sec. 531.02175. PILOT PROGRAM FOR TELEPSYCHIATRY CONSULTATIONS FOR CERTAIN MEDICAID RECIPIENTS. (a) Defines "qualified mental health professional."

(b) Requires the executive commissioner, by rule, to develop and requires DSHS to implement a pilot program under which Medicaid recipients in need of mental health services are provided those services through telehealth or telemedicine.

(c) Requires the executive commissioner to design the pilot program in a manner that achieves certain goals.

(d) Prohibits the executive commissioner from requiring mental health services to be provided through telehealth or telemedicine under the pilot program if an in-person consultation with a psychiatrist or other licensed mental health professional qualified to provide those services is reasonably available where the recipient resides or works.

(e) Requires the executive commissioner, by rule, to establish and adopt minimum standards to permit the use of trained qualified mental health professionals in presenting Medicaid recipients participating in the pilot program for telehealth or telemedicine consultations to be conducted by psychiatrists at distant sites.

(f) Authorizes HHSC to reimburse a provider participating in the pilot program for services provided through telehealth or telemedicine. Authorizes HHSC, notwithstanding Section 531.0217, to provide reimbursement under the state Medicaid program for a telehealth or telemedicine consultation initiated by a trained qualified mental health professional who complies with the minimum standards adopted under Subsection (e).

(g) Requires the board, in consultation with HHSC and DSHS, to adopt rules to establish supervisory requirements for a service delegated to and performed by a qualified mental health professional who is authorized to be a telepresenter under this section.

(h) Authorizes HHSC to apply for and receive a grant to fund the pilot program under the federal New Freedom Initiative on Mental Health plan or from the Office of the National Coordinator for Health Information Technology. Requires HHSC to seek the assistance of the Office of State-Federal Relations in identifying and applying for federal grants for the pilot program.

(i) Requires HHSC, not later than December 1, 2006, to submit a report to the legislature regarding the results of the pilot program. Requires the report to include recommendations regarding elimination, continuation, or expansion of the pilot program.

(j) Provides that this section expires September 1, 2007.

SECTION 6. (a) Requires HHSC, not later than January 1, 2006, to conduct a study to investigate certain issues related to the system of telemedicine medical services under the state's Medicaid program.

(b) Requires HHSC to submit a report regarding the results of the study and certain information to the presiding officer of each house and senate standing committee having jurisdiction over the state Medicaid program.

(c) Provides that this section expires September 1, 2007.

SECTION 7. Requires the Texas State Board of Medical Examiners to adopt rules as required by Sections 531.0217(i-1) and 531.02175(g), Government Code, as added by this Act, as soon as practicable after the effective date of this Act. Requires the executive commissioner of the Health and Human Services Commission to adopt rules as required by Section 531.0263 and 531.02175(e), Government Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 8. Authorizes delay of implementation of any provision of this Act until any necessary federal waivers or authorizations are obtained.

SECTION 9. Effective date: September 1, 2005.