

BILL ANALYSIS

C.S.S.B. 1340
By: Madla
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The substitute requires Health and Human Services Commission (commission) 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. The substitute allows the commission 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.

The substitute encourages the commission 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; the commission will review the results and then develop guidelines for expansion.

The substitute requires the commission 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

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1, SECTION 2, and SECTION 5 of this bill.

It is the committee's opinion that rulemaking authority is expressly granted to the Texas State Board of Medical Examiners in SECTION 3 and SECTION 5 of this bill.

ANALYSIS

The substitute requires the executive commissioner of the Health and Human Services Commission (Commission), 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 the Commission to identify clinical evidence supporting delivery of health care services using the telecommunication system by January 1, 2001. The substitute makes nonsubstantive changes.

The substitute defines "health professional" and 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. The bill also authorizes the Commission 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. Requires the Commission to provide reimbursement under Medicaid to a physician for overseeing a telemedicine consultation at a telemedicine hub site if the telepresenter at the remote site is another physician or advanced practice nurse, nurse practitioner, or physician assistant acting under physician delegation and supervision.

The substitute authorizes the Texas State Board of Medical Examiners, in consultation with the Commission and Department of State Health Services, as appropriate, to adopt rules to establish supervisory requirements for a service delegated to and performed by an individual who is not a physician and makes nonsubstantive changes.

The substitute requires the Texas State Board of Medical Examiners (board), in consultation with HHSC and the Department of State Health Services, as appropriate, to adopt rules to establish supervisory requirements for a service delegated to and 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. The substitute does not authorize the State Board of Medical Examiners to regulate another licensed or certified health care provider.

The substitute makes a conforming change and defines "qualified mental health professional." The bill requires the executive commissioner, by rule, to develop and requires the Department of State Health Services to implement a pilot program under which Medicaid recipients in need of mental health services are provided those services through telehealth or telemedicine, and requires the executive commissioner to design the pilot program in a manner that achieves certain goals.

The substitute 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 is reasonably available where the recipient resides or works. The bill also 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.

The substitute authorizes the Commission to reimburse a provider participating in the pilot program for services provided through telehealth or telemedicine. The substitute authorizes the Commission 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. The substitute requires the board, in consultation with the Commission 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. This section does not authorize the board to regulate another licensed or certified health care provider. The substitute also authorizes the Commission 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 and requires the Commission to seek the assistance of the Office of State-Federal Relations in identifying and applying for federal grants for the pilot program. The substitute requires the Commission, 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. Provides that this section expires September 1, 2007.

The substitute requires the Commission, 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. The substitute also requires the Commission 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 and provides that this section expires September 1, 2007.

The substitute requires the Texas State Board of Medical Examiners to adopt rules as required, as added by this Act, as soon as practicable after the effective date of this Act. The substitute requires the executive commissioner of the Health and Human Services Commission to adopt rules as required by this Act, as soon as practicable after the effective date of this Act.

The substitute authorizes delay of implementation of any provision of this Act until any necessary federal waivers or authorizations are obtained.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute eliminates the authorization for the Commission 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. It adds that the Commission is required to provide reimbursement under Medicaid to a physician for overseeing a telemedicine consultation at a telemedicine hub site if the telepresenter at the remote site is another physician or advanced practice nurse, nurse practitioner, or physician assistant acting under physician delegation and supervision. The substitute adds the Department of State Health Services to those who are to be consulted when the Board of Medical Examiners is given rulemaking authority. The substitute clarifies that the bill does not authorize the State Board of Medical Examiners to regulate another licensed or certified health care provider. The substitute removes references to "telepsychiatry" and replaces them with "telehealth and telemedicine." Adds that another licensed mental health professional may be qualified to perform the services available through telehealth or telemedicine. Removes the authorization for qualified mental health professionals to initiate consultation while acting under a psychiatrist's supervision.