

AN ACT

relating to certain health care services provided through
telemedicine or telehealth under the state Medicaid program.

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

SECTION 1. Section 531.0217, Government Code, is amended by
adding Subsections (c-1), (c-2), and (c-3) to read as follows:

(c-1) Notwithstanding Subsection (b) or (c), the commission
shall provide for reimbursement under the Medicaid program for an
office visit provided through telemedicine by a physician who is
assessing and evaluating the patient from a distant site if:

(1) a health professional acting under the delegation
and supervision of that physician is present with the patient at the
time of the visit; and

(2) the medical condition, illness, or injury for
which the patient is receiving the service is not likely, within a
reasonable degree of medical certainty, to undergo material
deterioration within the 30-day period following the date of the
visit.

(c-2) The commission shall develop rules to allocate
reimbursement provided under Subsection (c-1) between a physician
consulting from a distant site and a health professional present
with the patient or shall by rule establish a facility fee that a
physician consulting from a distant site and receiving
reimbursement under Subsection (c-1) must pay a health professional

1 present with the patient.

2 (c-3) In adopting rules under Subsection (c-2), the
3 commission shall confer with the Centers for Medicare and Medicaid
4 Services on the legality of allocating reimbursement or
5 establishing a facility fee as described in that subsection. Rules
6 adopted by the commission under this subsection or Subsection (c-2)
7 must reflect a policy to build capacity in medically underserved
8 areas of this state.

9 SECTION 2. Subsections (i) and (j), Section 531.02175,
10 Government Code, as added by Chapter 370, Acts of the 79th
11 Legislature, Regular Session, 2005, are amended to read as follows:

12 (i) Not later than September 1, 2008 [~~December 1, 2006~~], the
13 commission shall submit a report to the legislature regarding the
14 results of the pilot program. The report must include
15 recommendations regarding elimination, continuation, or expansion
16 of the pilot program.

17 (j) This section expires September 1, 2009 [~~2007~~].

18 SECTION 3. If before implementing any provision of this Act
19 a state agency determines that a waiver or other authorization from
20 a federal agency is necessary for implementation, the agency
21 affected by the provision shall request the waiver or authorization
22 and may delay implementing that provision until the waiver or
23 authorization is granted.

24 SECTION 4. (a) Section 1 of this Act takes effect
25 September 1, 2007.

26 (b) Except as provided by Subsection (a) of this section,
27 this Act takes effect immediately if it receives a vote of

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1 two-thirds of all the members elected to each house, as provided by
2 Section 39, Article III, Texas Constitution. If this Act does not
3 receive the vote necessary for immediate effect, this Act takes
4 effect August 27, 2007.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 24 passed the Senate on
March 28, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 24 passed the House on
May 17, 2007, by the following vote: Yeas 141, Nays 0, two
present not voting.

Chief Clerk of the House

Approved:

Date

Governor