

1-1 By: Nelson S.B. No. 24
1-2 (In the Senate - Filed November 13, 2006; January 23, 2007,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 19, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 March 19, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 24 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to certain health care services provided through
1-11 telemedicine or telehealth under the state Medicaid program.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 531.0217, Government Code, is amended by
1-14 adding Subsections (c-1), (c-2), and (c-3) to read as follows:

1-15 (c-1) Notwithstanding Subsection (b) or (c), the commission
1-16 shall provide for reimbursement under the Medicaid program for an
1-17 office visit provided through telemedicine by a physician who is
1-18 assessing and evaluating the patient from a distant site if:

1-19 (1) a health professional acting under the delegation
1-20 and supervision of that physician is present with the patient at the
1-21 time of the visit; and

1-22 (2) the medical condition, illness, or injury for
1-23 which the patient is receiving the service is not likely, within a
1-24 reasonable degree of medical certainty, to undergo material
1-25 deterioration within the 30-day period following the date of the
1-26 visit.

1-27 (c-2) The commission shall develop rules to allocate
1-28 reimbursement provided under Subsection (c-1) between a physician
1-29 consulting from a distant site and a health professional present
1-30 with the patient or shall by rule establish a facility fee that a
1-31 physician consulting from a distant site and receiving
1-32 reimbursement under Subsection (c-1) must pay a health professional
1-33 present with the patient.

1-34 (c-3) In adopting rules under Subsection (c-2), the
1-35 commission shall confer with the Centers for Medicare and Medicaid
1-36 Services on the legality of allocating reimbursement or
1-37 establishing a facility fee as described in that subsection. Rules
1-38 adopted by the commission under this subsection or Subsection (c-2)
1-39 must reflect a policy to build capacity in medically underserved
1-40 areas of this state.

1-41 SECTION 2. Subsections (i) and (j), Section 531.02175,
1-42 Government Code, as added by Chapter 370, Acts of the 79th
1-43 Legislature, Regular Session, 2005, are amended to read as follows:

1-44 (i) Not later than September 1, 2008 [~~December 1, 2006~~], the
1-45 commission shall submit a report to the legislature regarding the
1-46 results of the pilot program. The report must include
1-47 recommendations regarding elimination, continuation, or expansion
1-48 of the pilot program.

1-49 (j) This section expires September 1, 2009 [~~2007~~].

1-50 SECTION 3. If before implementing any provision of this Act
1-51 a state agency determines that a waiver or other authorization from
1-52 a federal agency is necessary for implementation, the agency
1-53 affected by the provision shall request the waiver or authorization
1-54 and may delay implementing that provision until the waiver or
1-55 authorization is granted.

1-56 SECTION 4. (a) Section 1 of this Act takes effect
1-57 September 1, 2007.

1-58 (b) Except as provided by Subsection (a) of this section,
1-59 this Act takes effect immediately if it receives a vote of
1-60 two-thirds of all the members elected to each house, as provided by
1-61 Section 39, Article III, Texas Constitution. If this Act does not
1-62 receive the vote necessary for immediate effect, this Act takes
1-63 effect August 27, 2007.

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