

AN ACT

relating to participation and reimbursement of telemedicine medical service providers under the Medicaid program.

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

SECTION 1. Subsections (c) and (d), Section 531.0216, Government Code, are amended to read as follows:

(c) The commission shall encourage health care providers and ~~[physicians, teaching hospitals, small rural hospitals, federally qualified health centers, and state-owned]~~ health care facilities to participate as telemedicine medical service providers in the health care delivery system. The commission may not require that a service be provided to a patient through telemedicine medical services when the service can reasonably be provided by a physician through a face-to-face consultation with the patient in the community in which the patient resides or works. This subsection does not prohibit the authorization of the provision of any service to a patient through telemedicine medical services at the patient's request.

(d) Subject to Section 153.004, Occupations Code, the commission may adopt rules as necessary to implement this section. In the rules adopted under this section, the commission shall:

(1) refer to the site where the patient is physically located as the patient site; and

(2) refer to the site where the physician providing

1 the telemedicine medical service is physically located as the
2 distant site.

3 SECTION 2. Subsection (d), Section 531.02163, Government
4 Code, is amended to read as follows:

5 (d) The commission shall provide reimbursement under the
6 state Medicaid program to a physician for overseeing a telemedicine
7 consultation at a telemedicine distant ~~[hub]~~ site if the
8 telepresenter at the patient ~~[remote]~~ site is another physician or
9 is an advanced practice nurse, registered nurse, or physician
10 assistant acting under physician delegation and supervision
11 throughout the consultation.

12 SECTION 3. If before implementing any provision of this Act
13 a state agency determines that a waiver or authorization from a
14 federal agency is necessary for implementation of the provision,
15 the agency affected by the provision shall request the waiver or
16 authorization and may delay implementing that provision until the
17 waiver or authorization is granted.

18 SECTION 4. As soon as practicable after the effective date
19 of this Act, the executive commissioner of the Health and Human
20 Services Commission shall modify rules adopted by the executive
21 commissioner to implement Subsection (d), Section 531.0216, and
22 Subsection (d), Section 531.02163, Government Code, before the
23 effective date of this Act to conform to the changes in law made to
24 those sections by this Act.

25 SECTION 5. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 760 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. 760 passed the House on May 23, 2007, by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor