

1-1 By: Nelson S.B. No. 760
1-2 (In the Senate - Filed February 20, 2007; March 6, 2007,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 19, 2007, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; March 19, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to participation and reimbursement of telemedicine
1-9 medical service providers under the Medicaid program.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsections (c) and (d), Section 531.0216,
1-12 Government Code, are amended to read as follows:

1-13 (c) The commission shall encourage health care providers
1-14 and [physicians, teaching hospitals, small rural hospitals,
1-15 federally qualified health centers, and state-owned] health care
1-16 facilities to participate as telemedicine medical service
1-17 providers in the health care delivery system. The commission may
1-18 not require that a service be provided to a patient through
1-19 telemedicine medical services when the service can reasonably be
1-20 provided by a physician through a face-to-face consultation with
1-21 the patient in the community in which the patient resides or works.
1-22 This subsection does not prohibit the authorization of the
1-23 provision of any service to a patient through telemedicine medical
1-24 services at the patient's request.

1-25 (d) Subject to Section 153.004, Occupations Code, the
1-26 commission may adopt rules as necessary to implement this section.
1-27 In the rules adopted under this section, the commission shall:

1-28 (1) refer to the site where the patient is physically
1-29 located as the patient site; and

1-30 (2) refer to the site where the physician providing
1-31 the telemedicine medical service is physically located as the
1-32 distant site.

1-33 SECTION 2. Subsection (d), Section 531.02163, Government
1-34 Code, is amended to read as follows:

1-35 (d) The commission shall provide reimbursement under the
1-36 state Medicaid program to a physician for overseeing a telemedicine
1-37 consultation at a telemedicine distant ~~hub~~ site if the
1-38 telepresenter at the patient ~~remote~~ site is another physician or
1-39 is an advanced practice nurse, registered nurse, or physician
1-40 assistant acting under physician delegation and supervision
1-41 throughout the consultation.

1-42 SECTION 3. If before implementing any provision of this Act
1-43 a state agency determines that a waiver or authorization from a
1-44 federal agency is necessary for implementation of the provision,
1-45 the agency affected by the provision shall request the waiver or
1-46 authorization and may delay implementing that provision until the
1-47 waiver or authorization is granted.

1-48 SECTION 4. As soon as practicable after the effective date
1-49 of this Act, the executive commissioner of the Health and Human
1-50 Services Commission shall modify rules adopted by the executive
1-51 commissioner to implement Subsection (d), Section 531.0216, and
1-52 Subsection (d), Section 531.02163, Government Code, before the
1-53 effective date of this Act to conform to the changes in law made to
1-54 those sections by this Act.

1-55 SECTION 5. This Act takes effect September 1, 2007.

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