

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to telemedicine medical services, telehealth services,  
3 and home telemonitoring services provided to certain Medicaid  
4 recipients.

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

6 SECTION 1. Section 531.001, Government Code, is amended by  
7 adding Subdivisions (4-a), (7), and (8) to read as follows:

8 (4-a) "Home telemonitoring service" means a health  
9 service that requires scheduled remote monitoring of data related  
10 to a patient's health and transmission of the data to a licensed  
11 home health agency or a hospital, as those terms are defined by  
12 Section 531.02164(a).

13 (7) "Telehealth service" means a health service, other  
14 than a telemedicine medical service, that is delivered by a  
15 licensed or certified health professional acting within the scope  
16 of the health professional's license or certification who does not  
17 perform a telemedicine medical service and that requires the use of  
18 advanced telecommunications technology, other than telephone or  
19 facsimile technology, including:

20 (A) compressed digital interactive video, audio,  
21 or data transmission;

22 (B) clinical data transmission using computer  
23 imaging by way of still-image capture and store and forward; and

24 (C) other technology that facilitates access to

1 health care services or medical specialty expertise.

2 (8) "Telemedicine medical service" means a health care  
3 service that is initiated by a physician or provided by a health  
4 professional acting under physician delegation and supervision,  
5 that is provided for purposes of patient assessment by a health  
6 professional, diagnosis or consultation by a physician, or  
7 treatment, or for the transfer of medical data, and that requires  
8 the use of advanced telecommunications technology, other than  
9 telephone or facsimile technology, including:

10 (A) compressed digital interactive video, audio,  
11 or data transmission;

12 (B) clinical data transmission using computer  
13 imaging by way of still-image capture and store and forward; and

14 (C) other technology that facilitates access to  
15 health care services or medical specialty expertise.

16 SECTION 2. Section 531.0216, Government Code, is amended to  
17 read as follows:

18 Sec. 531.0216. PARTICIPATION AND REIMBURSEMENT OF  
19 TELEMEDICINE MEDICAL SERVICE PROVIDERS AND TELEHEALTH SERVICE  
20 PROVIDERS UNDER MEDICAID. (a) The commission by rule shall  
21 develop and implement a system to reimburse providers of services  
22 under the state Medicaid program for services performed using  
23 telemedicine medical services or telehealth services.

24 (b) In developing the system, the executive commissioner by  
25 rule shall:

26 (1) review programs and pilot projects in other states  
27 to determine the most effective method for reimbursement;

1 (2) establish billing codes and a fee schedule for  
2 services;

3 (3) [~~provide for an approval process before a provider~~  
4 ~~can receive reimbursement for services;~~

5 [(4)] consult with the Department of State Health  
6 Services and providers [~~the telemedicine advisory committee~~] to  
7 establish procedures to:

8 (A) identify clinical evidence supporting  
9 delivery of health care services using a telecommunications system;

10 (B) establish pilot studies for telemedicine  
11 medical service delivery; and

12 (C) annually review health care services,  
13 considering new clinical findings, to determine whether  
14 reimbursement for particular services should be denied or  
15 authorized;

16 (4) [(5)] establish pilot programs in designated  
17 areas of this state under which the commission, in administering  
18 government-funded health programs, may reimburse a health  
19 professional participating in the pilot program for telehealth  
20 services authorized under the licensing law applicable to the  
21 health professional;

22 [(6) ~~establish a separate provider identifier for~~  
23 ~~telemedicine medical services providers;~~] and

24 (5) [(7)] establish a separate modifier for  
25 telemedicine medical services, telehealth services, and home  
26 telemonitoring services eligible for reimbursement.

27 (c) The commission shall encourage health care providers

1 and health care facilities to participate as telemedicine medical  
2 service providers or telehealth service providers in the health  
3 care delivery system. The commission may not require that a service  
4 be provided to a patient through telemedicine medical services or  
5 telehealth services when the service can reasonably be provided by  
6 a physician through a face-to-face consultation with the patient in  
7 the community in which the patient resides or works. This  
8 subsection does not prohibit the authorization of the provision of  
9 any service to a patient through telemedicine medical services or  
10 telehealth services at the patient's request.

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

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

17 (2) refer to the site where the physician or health  
18 professional providing the telemedicine medical service or  
19 telehealth service is physically located as the distant site.

20 (e) The commission may not reimburse a health care facility  
21 for telemedicine medical services or telehealth services provided  
22 to a Medicaid recipient unless the facility complies with the  
23 minimum standards adopted under Section 531.02161.

24 (f) Not later than December 1 of each even-numbered year,  
25 the commission shall report to the speaker of the house of  
26 representatives and the lieutenant governor on the effects of  
27 telemedicine medical services, telehealth services, and home

1 telemonitoring services on the Medicaid program in the state,  
2 including the number of physicians, ~~[and]~~ health professionals, and  
3 licensed health care facilities using telemedicine medical  
4 services, telehealth services, or home telemonitoring services,  
5 the geographic and demographic disposition of the physicians and  
6 health professionals, the number of patients receiving  
7 telemedicine medical services, telehealth services, and home  
8 telemonitoring services, the types of services being provided, and  
9 the cost of utilization of telemedicine medical services,  
10 telehealth services, and home telemonitoring services to the  
11 program.

12 ~~[(g) In this section:~~

13 ~~[(1) "Telehealth service" has the meaning assigned by~~  
14 ~~Section 57.042, Utilities Code.~~

15 ~~[(2) "Telemedicine medical service" has the meaning~~  
16 ~~assigned by Section 57.042, Utilities Code.]~~

17 SECTION 3. Subchapter B, Chapter 531, Government Code, is  
18 amended by adding Section 531.02164 to read as follows:

19 Sec. 531.02164. MEDICAID SERVICES PROVIDED THROUGH HOME  
20 TELEMONITORING SERVICES. (a) In this section:

21 (1) "Home health agency" means a facility licensed  
22 under Chapter 142, Health and Safety Code, to provide home health  
23 services as defined by Section 142.001, Health and Safety Code.

24 (2) "Hospital" means a hospital licensed under Chapter  
25 241, Health and Safety Code, that provides home health services as  
26 defined by Section 142.001, Health and Safety Code.

27 (b) The executive commissioner by rule shall establish a

1 statewide program that permits reimbursement under the state  
2 Medicaid program for home telemonitoring services as provided under  
3 this section.

4 (c) The program required under this section must:

5 (1) provide that home telemonitoring services are  
6 available only to persons who are diagnosed with one or more  
7 conditions described by Section 531.02171(c)(4) and who exhibit two  
8 or more of the following risk factors:

9 (A) two or more hospitalizations in the prior  
10 12-month period;

11 (B) frequent or recurrent emergency room  
12 admissions;

13 (C) a documented history of poor adherence to  
14 ordered medication regimens;

15 (D) a documented history of falls in the prior  
16 six-month period;

17 (E) limited or absent informal support systems;

18 (F) living alone or being home alone for extended  
19 periods of time; and

20 (G) a documented history of care access  
21 challenges;

22 (2) ensure that clinical information gathered by a  
23 home health agency or hospital while providing home telemonitoring  
24 services is shared with the patient's physician; and

25 (3) ensure that the program does not duplicate disease  
26 management program services provided under Section 32.057, Human  
27 Resources Code.

1 SECTION 4. Subsection (c), Section 531.02171, Government  
2 Code, as added by Chapter 661 (H.B. 2700), Acts of the 77th  
3 Legislature, Regular Session, 2001, is amended to read as follows:

4 (c) In developing and operating a pilot program under this  
5 section, the commission shall:

6 (1) solicit and obtain support for the program from  
7 local officials and the medical community;

8 (2) focus on enhancing health outcomes in the area  
9 served by the pilot program through increased access to medical  
10 services, including:

- 11 (A) health screenings;
- 12 (B) prenatal care;
- 13 (C) medical or surgical follow-up visits;
- 14 (D) periodic consultation with specialists  
15 regarding chronic disorders;
- 16 (E) triage and pretransfer arrangements; ~~and~~
- 17 (F) transmission of diagnostic images or data;
- 18 and
- 19 (G) monitoring of chronic conditions;

20 (3) establish quantifiable measures and expected  
21 health outcomes for each authorized telemedicine medical service or  
22 telehealth service;

23 (4) consider condition-specific applications of  
24 telemedicine medical services or telehealth services, including  
25 applications for:

- 26 (A) pregnancy;
- 27 (B) diabetes;

- 1 (C) heart disease; [~~and~~]
- 2 (D) cancer;
- 3 (E) chronic obstructive pulmonary disease;
- 4 (F) hypertension; and
- 5 (G) congestive heart failure; and

6 (5) demonstrate that the provision of services  
7 authorized as telemedicine medical services or telehealth services  
8 will not adversely affect the provision of traditional medical  
9 services within the area served by the pilot program.

10 SECTION 5. The following provisions of the Government Code  
11 are repealed:

- 12 (1) Subsection (a), Section 531.02161;
- 13 (2) Subdivisions (3) and (4), Subsection (a), Section  
14 531.0217;
- 15 (3) Subdivisions (3) and (4), Subsection (a), Section  
16 531.02171, as added by Chapter 661 (H.B. 2700), Acts of the 77th  
17 Legislature, Regular Session, 2001; and
- 18 (4) Section 531.02171, as added by Chapter 959 (S.B.  
19 1536), Acts of the 77th Legislature, Regular Session, 2001.

20 SECTION 6. If before implementing any provision of this Act  
21 a state agency determines that a waiver or authorization from a  
22 federal agency is necessary for implementation of that provision,  
23 the agency affected by the provision shall request the waiver or  
24 authorization and may delay implementing that provision until the  
25 waiver or authorization is granted.

26 SECTION 7. This Act takes effect September 1, 2011.