

By: Smithee

H.B. No. 2172

A BILL TO BE ENTITLED

1 AN ACT

2 relating to coverage of telehealth services or telemedicine medical
3 services under health benefit plans.

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

5 SECTION 1. Section 1455.001, Insurance Code, is amended by
6 amending Subdivision (3) and adding Subdivision (4) to read as
7 follows:

8 (3) "Telehealth service" or ~~[and]~~ "telemedicine
9 medical service" means a health care service or medical service,
10 respectively, that is provided through the use of advanced
11 telecommunications technology for the purpose of:

12 (A) patient assessment, diagnosis, consultation,
13 or treatment; or

14 (B) the transfer of medical data ~~[have the~~
15 ~~meanings assigned by Section 57.042, Utilities Code].~~

16 (4) "Telemedicine provider" means:

17 (A) a physician who provides telemedicine
18 medical services; or

19 (B) a physician assistant or advanced practice
20 nurse who:

21 (i) provides telemedicine medical
22 services; and

23 (ii) is supervised by and has delegated
24 authority from a physician licensed in this state.

1 SECTION 2. Section 1455.004, Insurance Code, is amended by
2 adding Subsections (c), (d), (e), and (f) to read as follows:

3 (c) A health benefit plan may not cover a telemedicine
4 medical service unless the telemedicine provider:

5 (1) is licensed in this state;

6 (2) has established a physician-patient relationship
7 with the recipient of the service;

8 (3) is able to verify the identity of the patient;

9 (4) has discussed the risks and benefits of
10 telemedicine medical services with the patient;

11 (5) advises the patient to see a physician or other
12 health care professional in person within a reasonable time if the
13 patient's symptoms do not improve;

14 (6) provides only services that are medically
15 indicated;

16 (7) adopts protocols to prevent fraud and abuse;

17 (8) does not violate state or federal laws relating to
18 patient privacy;

19 (9) maintains medical records for all telemedicine
20 medical services;

21 (10) does not treat chronic pain with a controlled
22 substance listed on Schedule II, III, IV, or V under Chapter 481,
23 Health and Safety Code, at a site other than a site normally used
24 for the provision of medical care; and

25 (11) practices according to the appropriate standard
26 of care for the patient's condition.

27 (d) For the purposes of Subsection (c), a telemedicine

1 provider may establish a physician-patient relationship in an
2 initial encounter using telemedicine medical services.

3 (e) For the purposes of Subsection (c), a telemedicine
4 provider must ensure that the informed consent of the patient, or
5 another appropriate individual authorized to make health care
6 treatment decisions for the patient, is obtained before
7 telemedicine medical services are provided.

8 (f) For the purposes of Subsection (c), a telemedicine
9 provider shall ensure that the confidentiality of the patient's
10 medical information is maintained as required by Chapter 159,
11 Occupations Code, or other applicable law.

12 SECTION 3. The change in law made by this Act applies only
13 to a health benefit plan delivered, issued for delivery, or renewed
14 on or after January 1, 2016. A health benefit plan delivered,
15 issued for delivery, or renewed before January 1, 2016, is governed
16 by the law in effect immediately before the effective date of this
17 Act, and that law is continued in effect for that purpose.

18 SECTION 4. This Act takes effect September 1, 2015.