

By: Coleman, Guillen

H.B. No. 3476

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the provision and reimbursement of, or benefits for,  
3 home telemonitoring services, telemedicine medical services, and  
4 telehealth services under Medicaid and certain health benefit plans  
5 provided to certain retired public employees.

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

7 SECTION 1. Section [531.02164](#), Government Code, is amended  
8 by amending Subsections (a) and (c), as amended by S.B. No. 219,  
9 Acts of the 84th Legislature, Regular Session, 2015, and adding  
10 Subsection (c-2) to read as follows:

11 (a) In this section:

12 (1) "Elderly individual" means an individual 60 years  
13 of age or older.

14 (2) "Home and community support services agency" means  
15 a person licensed under Chapter 142, Health and Safety Code, to  
16 provide home health, hospice, or personal assistance services as  
17 defined by Section [142.001](#), Health and Safety Code.

18 (3) [~~2~~] "Hospital" means a hospital licensed under  
19 Chapter 241, Health and Safety Code.

20 (4) "Individual with special health care needs" means  
21 an individual who has:

22 (A) a chronic physical or developmental  
23 condition; or

24 (B) a terminal illness.

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

2 (1) provide that home telemonitoring services are  
3 available [~~only~~] to a person [~~persons~~] who is:

4 (A) an elderly individual;

5 (B) an individual with special health care needs;

6 or

7 (C) an individual who:

8 (i) is [~~are~~] diagnosed with one or more of  
9 the following conditions:

10 (a) [~~(i)~~] pregnancy;

11 (b) [~~(ii)~~] diabetes;

12 (c) [~~(iii)~~] heart disease;

13 (d) [~~(iv)~~] cancer;

14 (e) [~~(v)~~] chronic obstructive  
15 pulmonary disease;

16 (f) [~~(vi)~~] hypertension;

17 (g) [~~(vii)~~] congestive heart failure;

18 (h) [~~(viii)~~] mental illness or  
19 serious emotional disturbance;

20 (i) [~~(ix)~~] asthma;

21 (j) [~~(x)~~] myocardial infarction; or

22 (k) [~~(xi)~~] stroke; and

23 (ii) exhibits [~~(B) — exhibit~~] two or more of  
24 the following risk factors:

25 (a) [~~(i)~~] two or more  
26 hospitalizations in the prior 12-month period;

27 (b) [~~(ii)~~] frequent or recurrent

1 emergency room admissions;

2 (c) [~~(iii)~~] a documented history of  
3 poor adherence to ordered medication regimens;

4 (d) [~~(iv)~~] a documented history of  
5 falls in the prior six-month period;

6 (e) [~~(v)~~] limited or absent informal  
7 support systems;

8 (f) [~~(vi)~~] living alone or being home  
9 alone for extended periods of time; and

10 (g) [~~(vii)~~] a documented history of  
11 care access challenges;

12 (2) ensure that clinical information gathered by a  
13 home and community support services agency or hospital while  
14 providing home telemonitoring services is shared with the patient's  
15 physician; ~~and~~

16 (3) ensure that the program does not duplicate disease  
17 management program services provided under Section 32.057, Human  
18 Resources Code; and

19 (4) provide reimbursement for home telemonitoring  
20 services in the event of an unsuccessful data transmission if the  
21 provider of the services attempts to communicate with the patient  
22 by telephone or in person to establish a successful data  
23 transmission.

24 (c-2) A provider that is reimbursed under Subsection (c)(4)  
25 for home telemonitoring services provided to a patient may not also  
26 be reimbursed for communicating with the patient by telephone or in  
27 person to establish a successful data transmission as described by

1 Subsection (c)(4).

2 SECTION 2. Subchapter B, Chapter 531, Government Code, is  
3 amended by adding Section 531.02165 to read as follows:

4 Sec. 531.02165. PROVISION OF TELEMEDICINE MEDICAL SERVICES  
5 AND TELEHEALTH SERVICES TO RECIPIENTS AT RESIDENCE. (a) In this  
6 section, "residence" means a place where a person resides and  
7 includes a home, a nursing home, a convalescent home, or a  
8 residential unit.

9 (b) Not later than June 1, 2016, the executive commissioner  
10 shall develop and implement a pilot project under Medicaid that  
11 provides for the reimbursement of telemedicine medical services and  
12 telehealth services provided to a recipient while the recipient is  
13 at the recipient's residence.

14 (c) Not later than December 1, 2018, the executive  
15 commissioner shall submit a report to the legislature on the  
16 results of the pilot project established under Subsection (b). The  
17 report must include:

18 (1) an evaluation of the pilot project's success in  
19 increasing health care access for Medicaid recipients;

20 (2) an evaluation of the cost savings to the state and  
21 Medicaid recipients attributable to the pilot project; and

22 (3) a recommendation regarding the continuation,  
23 expansion, or termination of the pilot project.

24 (d) The report required by Subsection (c) may be made in  
25 conjunction with any other report the commission is required to  
26 submit to the legislature if the executive commissioner determines  
27 it appropriate.

1       (e) Subsections (c) and (d) and this subsection expire  
2 September 1, 2019.

3       SECTION 3. Section 531.0217, Government Code, is amended by  
4 adding Subsection (d-1) to read as follows:

5       (d-1) A request to the commission for reimbursement for a  
6 telemedicine medical service that is medically necessary may not be  
7 denied solely because of the delivery method of the service.

8       SECTION 4. Subchapter E, Chapter 1551, Insurance Code, is  
9 amended by adding Section 1551.227 to read as follows:

10       Sec. 1551.227. PILOT PROJECT: TELEMEDICINE MEDICAL  
11 SERVICES AND TELEHEALTH SERVICES TO ANNUITANTS AT RESIDENCE. (a)

12 In this section:

13       (1) "Telehealth service" and "telemedicine medical  
14 service" have the meanings assigned by Section 531.001, Government  
15 Code.

16       (2) "Residence" means a place where a person resides  
17 and includes a home, a nursing home, a convalescent home, or a  
18 residential unit.

19       (b) The board of trustees shall establish a pilot project  
20 under which a group health benefit plan offered under the group  
21 benefits program provides benefits for telemedicine medical  
22 services and telehealth services provided to an annuitant at the  
23 annuitant's residence.

24       (c) Not later than June 1, 2016, the board of trustees shall  
25 enter into any agreements necessary to provide benefits for  
26 telemedicine medical services and telehealth services to  
27 annuitants who participate in the pilot project. The pilot project

1 must:

2 (1) provide services in a manner that allows at least  
3 one percent of annuitants to participate in the pilot project;

4 (2) aim to provide quality and cost-effective care to  
5 annuitants; and

6 (3) ensure that the pilot project is able to provide  
7 services to annuitants.

8 (d) Not later than December 1, 2018, the board of trustees  
9 shall submit a report to the legislature on the results of the pilot  
10 project established under Subsection (b). The report must include:

11 (1) an evaluation of the pilot project's success;

12 (2) an evaluation of the cost savings to the state; and

13 (3) a recommendation regarding the continuation,  
14 expansion, or termination of the pilot project.

15 (e) The board of trustees may adopt rules necessary to  
16 implement this section.

17 (f) This section expires on September 1, 2019.

18 SECTION 5. Subchapter D, Chapter 1575, Insurance Code, is  
19 amended by adding Section 1575.166 to read as follows:

20 Sec. 1575.166. PILOT PROJECT: TELEMEDICINE MEDICAL  
21 SERVICES AND TELEHEALTH SERVICES TO RETIREES AT RESIDENCE. (a) In  
22 this section:

23 (1) "Telehealth service" and "telemedicine medical  
24 service" have the meanings assigned by Section 531.001, Government  
25 Code.

26 (2) "Residence" means a place where a person resides  
27 and includes a home, a nursing home, a convalescent home, or a

1 residential unit.

2 (b) The trustee shall establish a pilot project under which  
3 a health benefit plan provided under this chapter provides benefits  
4 for telemedicine medical services and telehealth services provided  
5 to a retiree at the retiree's residence.

6 (c) Not later than June 1, 2016, the trustee shall enter  
7 into any agreements necessary to provide benefits for telemedicine  
8 medical services and telehealth services to retirees who  
9 participate in the pilot project. The pilot project must:

10 (1) provide services in a manner that allows at least  
11 one percent of retirees to participate in the pilot project;

12 (2) aim to provide quality and cost-effective care to  
13 retirees; and

14 (3) ensure that the pilot project is able to provide  
15 services to retirees.

16 (d) Not later than December 1, 2018, the trustee shall  
17 submit a report to the legislature on the results of the pilot  
18 project established under Subsection (b). The report must include:

19 (1) an evaluation of the pilot project's success;

20 (2) an evaluation of the cost savings to the state; and

21 (3) a recommendation regarding the continuation,  
22 expansion, or termination of the pilot project.

23 (e) The trustee may adopt rules necessary to implement this  
24 section.

25 (f) This section expires on September 1, 2019.

26 SECTION 6. Section [531.02176](#), Government Code, as amended  
27 by S.B. No. 219, Acts of the 84th Legislature, Regular Session,

1 2015, is repealed.

2 SECTION 7. Section 531.02164, Government Code, as amended  
3 by this Act, applies only to an insurance claim filed, an insurance  
4 policy entered into, or a legal cause arising on or after the  
5 effective date of this Act. An insurance claim filed, an insurance  
6 policy entered into, or a legal cause that arose before the  
7 effective date of this Act is governed by the law as it existed  
8 immediately before the effective date of this Act, and that law is  
9 continued in effect for that purpose.

10 SECTION 8. (a) Not later than March 1, 2016, the executive  
11 commissioner of the Health and Human Services Commission shall  
12 adopt the rules necessary to implement Section 531.02164,  
13 Government Code, as amended by this Act.

14 (b) Not later than May 1, 2016, the executive commissioner of  
15 the Health and Human Services Commission shall adopt the rules  
16 necessary to implement Section 531.02165, Government Code, as added  
17 by this Act, and Section 531.0217, Government Code, as amended by  
18 this Act.

19 SECTION 9. Not later than May 1, 2016, the Employees  
20 Retirement System of Texas shall adopt rules necessary to implement  
21 Section 1551.227, Insurance Code, as added by this Act.

22 SECTION 10. Not later than May 1, 2016, the Teacher  
23 Retirement System of Texas shall adopt rules necessary to implement  
24 Section 1575.166, Insurance Code, as added by this Act.

25 SECTION 11. If before implementing any provision of this  
26 Act a state agency determines that a waiver or authorization from a  
27 federal agency is necessary for implementation of that provision,



1 the agency affected by the provision shall request the waiver or  
2 authorization and may delay implementing that provision until the  
3 waiver or authorization is granted.

4 SECTION 12. This Act takes effect September 1, 2015.