

By: Coleman

H.B. No. 3476

Substitute the following for H.B. No. 3476:

By: Crownover

C.S.H.B. No. 3476

A BILL TO BE ENTITLED

1

AN ACT

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. Sections 531.02164(a) and (c), Government Code,  
8 as amended by S.B. No. 219, Acts of the 84th Legislature, Regular  
9 Session, 2015, are amended to read as follows:

10 (a) In this section:

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

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

17 (3) [~~2~~] "Hospital" means a hospital licensed under  
18 Chapter 241, Health and Safety Code.

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

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

23 (B) a terminal illness.

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

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

3 (A) an elderly individual;

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

5 or

6 (C) an individual who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (b) [~~(ii)~~] frequent or recurrent  
27 emergency room admissions;

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

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

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

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

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

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

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

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

20                    Sec. 531.02165. PROVISION OF TELEMEDICINE MEDICAL SERVICES  
21 AND TELEHEALTH SERVICES TO RECIPIENTS AT RESIDENCE. (a) In this  
22 section, "residence" means a place where a person resides and  
23 includes a home, a nursing home, a convalescent home, or a  
24 residential unit.

25                    (b) Not later than June 1, 2016, the executive commissioner  
26 shall develop and implement a pilot project under Medicaid that  
27 provides for the reimbursement of telemedicine medical services and

1 telehealth services provided to a recipient while the recipient is  
2 at the recipient's residence.

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

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

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

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

13 (d) The report required by Subsection (c) may be made in  
14 conjunction with any other report the commission is required to  
15 submit to the legislature if the executive commissioner determines  
16 it appropriate.

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

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

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

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

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

1 In this section:

2 (1) "Telehealth service" and "telemedicine medical  
3 service" have the meanings assigned by Section 531.001, Government  
4 Code.

5 (2) "Residence" means a place where a person resides  
6 and includes a home, a nursing home, a convalescent home, or a  
7 residential unit.

8 (b) The board of trustees shall establish a pilot project  
9 under which a group health benefit plan offered under the group  
10 benefits program provides benefits for telemedicine medical  
11 services and telehealth services provided to an annuitant at the  
12 annuitant's residence.

13 (c) Not later than June 1, 2016, the board of trustees shall  
14 enter into any agreements necessary to provide benefits for  
15 telemedicine medical services and telehealth services to  
16 annuitants who participate in the pilot project. The pilot project  
17 must:

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

20 (2) aim to provide quality and cost-effective care to  
21 annuitants; and

22 (3) ensure that the pilot project is able to provide  
23 services to annuitants.

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

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

1           (2) an evaluation of the cost savings to the state; and  
2           (3) a recommendation regarding the continuation,  
3 expansion, or termination of the pilot project.

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

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

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

9           Sec. 1575.166. PILOT PROJECT: TELEMEDICINE MEDICAL  
10 SERVICES AND TELEHEALTH SERVICES TO RETIREES AT RESIDENCE. (a) In  
11 this section:

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

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

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

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

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

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

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

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

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

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

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

12           (e) The trustee may adopt rules necessary to implement this  
13 section.

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

15           SECTION 6. Section [531.02176](#), Government Code, as amended  
16 by S.B. No. 219, Acts of the 84th Legislature, Regular Session,  
17 2015, is repealed.

18           SECTION 7. Section [531.02164](#), Government Code, as amended  
19 by this Act, applies only to an insurance claim filed, an insurance  
20 policy entered into, or a legal cause arising on or after the  
21 effective date of this Act. An insurance claim filed, an insurance  
22 policy entered into, or a legal cause that arose before the  
23 effective date of this Act is governed by the law as it existed  
24 immediately before the effective date of this Act, and that law is  
25 continued in effect for that purpose.

26           SECTION 8. (a) Not later than March 1, 2016, the executive  
27 commissioner of the Health and Human Services Commission shall

1 adopt the rules necessary to implement Section 531.02164,  
2 Government Code, as amended by this Act.

3 (b) Not later than May 1, 2016, the executive commissioner of  
4 the Health and Human Services Commission shall adopt the rules  
5 necessary to implement Section 531.02165, Government Code, as added  
6 by this Act, and Section 531.0217, Government Code, as amended by  
7 this Act.

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

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

14 SECTION 11. If before implementing any provision of this  
15 Act a state agency determines that a waiver or authorization from a  
16 federal agency is necessary for implementation of that provision,  
17 the agency affected by the provision shall request the waiver or  
18 authorization and may delay implementing that provision until the  
19 waiver or authorization is granted.

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