

By: Lucio

S.B. No. 1119

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a pilot project to evaluate the use of telepractice to
3 provide certain services to children and adults with an autism
4 spectrum disorder.

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

6 SECTION 1. Subchapter B, Chapter 531, Government Code, is
7 amended by adding Section 531.02177 to read as follows:

8 Sec. 531.02177. AUTISM SPECTRUM DISORDER TELEPRACTICE
9 PILOT PROJECT. (a) In this section, "telepractice" means the use
10 of telecommunications technology to facilitate a diagnosis or
11 intervention.

12 (b) The commission shall develop and implement a six-year
13 pilot project in which evidence-based diagnostic and intervention
14 services are provided to children and adults with an autism
15 spectrum disorder by telepractice by certain physicians and health
16 and other professionals.

17 (c) The executive commissioner shall adopt rules necessary
18 to develop and implement the pilot project under this section. The
19 rules adopted under this section:

20 (1) must allow a service provider to be physically
21 located at and provide services from any site located in or
22 associated with the autism centers at the following institutions:

23 (A) The University of Texas Health Science Center
24 at Houston;

1 (B) Baylor College of Medicine;

2 (C) the University of Houston--Clear Lake;

3 (D) The University of Texas at Dallas and The
4 University of Texas Southwestern Medical Center;

5 (E) the University of North Texas;

6 (F) Texas A&M University;

7 (G) The University of Texas at Austin;

8 (H) Texas State University; and

9 (I) Texas Tech University;

10 (2) must require services to be provided by a person
11 authorized to provide telemedicine medical services or telehealth
12 services or by any of the following persons employed by or under
13 contract with one of the autism centers described in Subdivision
14 (1):

15 (A) a board certified behavior analyst;

16 (B) an occupational therapist;

17 (C) a speech-language therapist; or

18 (D) a physical therapist;

19 (3) must require that the scope of services that may be
20 provided by telepractice includes those services that may be
21 provided through telemedicine medical services and telehealth
22 services and intensive behavioral intervention, applied behavioral
23 analysis, and speech-language evaluation and treatment;

24 (4) may not require a participant in the pilot project
25 to submit to an in-person evaluation by a service provider before
26 the participant receives services by telepractice from the
27 provider;

1 (5) may not require a person to reside in a rural area
2 or a medically underserved area as a condition of participating in
3 the pilot project;

4 (6) must require a participant to be physically
5 located at and receive services at a site at which a person may
6 receive telemedicine medical services or telehealth services or any
7 of the following sites:

8 (A) a primary or secondary school;

9 (B) an alternative education center;

10 (C) an education service center;

11 (D) a licensed child-care facility;

12 (E) a site where Head Start or Early Head Start
13 program services are provided;

14 (F) a site where early childhood intervention
15 services are provided; or

16 (G) the participant's home;

17 (7) must allow the following persons to be present at a
18 site where a participant receives services, to introduce the
19 participant to the service provider, and to perform any tasks
20 delegated by the service provider:

21 (A) a person authorized to be a site presenter at
22 a site where a person is receiving telemedicine medical services or
23 telehealth services;

24 (B) a certified elementary or secondary school
25 teacher;

26 (C) a licensed early childhood education and care
27 professional;

1 (D) a licensed specialist in school psychology;

2 (E) a certified educational diagnostician;

3 (F) an early childhood intervention services
4 provider who is not credentialed to provide qualified mental health
5 professional community services;

6 (G) a registered or licensed vocational nurse who
7 is not credentialed to provide qualified mental health professional
8 community services;

9 (H) a board certified behavior analyst;

10 (I) a speech-language therapist;

11 (J) an occupational therapist;

12 (K) a physical therapist;

13 (L) a person who conducts home visits under the
14 Maternal, Infant, and Early Childhood Home Visiting Program; or

15 (M) a promotora, as defined by Section [48.001](#),
16 Health and Safety Code;

17 (8) must require that a service provider maintain all
18 records relating to the service provider's telepractice
19 interaction with a participant and provide copies of those records
20 to the participant; and

21 (9) may not require a person present at a site where a
22 participant is receiving services to maintain records relating to a
23 service provider's telepractice interaction with the participant
24 that are created at the site where the service provider is located.

25 (d) Not later than December 1, 2022, the commission shall
26 submit a report to the legislature evaluating the pilot project.

27 The report required by this subsection may be submitted

1 electronically.

2 (e) This section expires September 1, 2023.

3 SECTION 2. Not later than December 1, 2015, the executive
4 commissioner of the Health and Human Services Commission shall
5 adopt the rules required by Section 531.02177, Government Code, as
6 added by this Act.

7 SECTION 3. Not later than January 1, 2016, the Health and
8 Human Services Commission shall ensure that the pilot project
9 required by Section 531.02177, Government Code, as added by this
10 Act, is in operation.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2015.