86R6128 MM-D

By:  Guillen H.B. No. 1738

A BILL TO BE ENTITLED

AN ACT

relating to telehealth and home telemonitoring services, including the provision of those services under Medicaid.

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

SECTION 1.  Section 531.02164, Government Code, is amended by adding Subsections (c-1), (c-2), and (f) to read as follows:

(c-1)  Notwithstanding Subsection (c)(1), the program required under this section may also provide that home telemonitoring services are available to a pediatric patient with chronic or complex medical needs who:

(1)  is being concurrently treated by at least three medical specialists;

(2)  is diagnosed with end-stage solid organ disease;

(3)  has received an organ transplant; or

(4)  is diagnosed with severe asthma.

(c-2)  For purposes of the program established under this section, the executive commissioner shall:

(1)  establish an enhanced Medicaid reimbursement rate for home telemonitoring services related to management of a person's medication that is at least $6 per day more than the rate in effect on January 1, 2019;

(2)  establish billing codes and a fee schedule for Medicaid reimbursement for home telemonitoring services provided by a federally-qualified health center, as defined by 42 U.S.C. Section 1396d(l)(2)(B), that are separate from other billing codes and fee schedules established for reimbursement for services provided by a federally-qualified health center;

(3)  develop a process to prevent fraud and verify the success of a data transmission that includes validation of the data transmission by the service provider's data carrier; and

(4)  allow for reimbursement for home telemonitoring services provided for a period of at least 120 days per episode.

(f)  Each provider of home telemonitoring services under the program established under this section shall provide to the commission data regarding the services provided for analytical purposes.

SECTION 2.  Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02177 to read as follows:

Sec. 531.02177.  STUDY CONCERNING HOME TELEMONITORING AND TELEHEALTH SERVICES FRAUD, WASTE, AND ABUSE. (a) Subject to the availability of funds, the commission shall conduct a study to identify patterns or instances of fraud, waste, or abuse committed by providers of Medicaid home telemonitoring services and telehealth services.

(b)  Not later than September 1, 2020, the commission shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and each legislative standing committee with primary jurisdiction over Medicaid the results of the study conducted under this section and recommendations for legislative or other action.

(c)  Based on the findings of the commission, the executive commissioner may adopt rules necessary to prevent or reduce fraud, waste, and abuse by providers of Medicaid home telemonitoring services and telehealth services.

(d)  This section expires September 1, 2021.

SECTION 3.  Section 111.001(3), Occupations Code, is amended to read as follows:

(3)  "Telehealth service" means a health service, other than a telemedicine medical service, delivered by a health professional licensed, certified, or otherwise entitled to practice in this state and acting within the scope of the health professional's license, certification, or entitlement to a patient at a different physical location than the health professional using telecommunications or information technology. The term includes:

(A)  peer services provided by a certified mental health peer specialist or a certified substance use recovery specialist;

(B)  substance use counseling services; and

(C)  targeted case management services.

SECTION 4.  The following sections of the Government Code are repealed:

(1)  Section 531.02164(d); and

(2)  Section 531.02176.

SECTION 5.  As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement the changes in law made by this Act.

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

SECTION 7.  This Act takes effect September 1, 2019.