

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.

1 Section 1396d(1)(2)(B), that are separate from other billing codes
2 and fee schedules established for reimbursement for services
3 provided by a federally-qualified health center;

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

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

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

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

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

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

27 (c) Based on the findings of the commission, the executive

1 commissioner may adopt rules necessary to prevent or reduce fraud,
2 waste, and abuse by providers of Medicaid home telemonitoring
3 services and telehealth services.

4 (d) This section expires September 1, 2021.

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

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

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

17 (B) substance use counseling services; and

18 (C) targeted case management services.

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

21 (1) Section 531.02164(d); and

22 (2) Section 531.02176.

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

27 SECTION 6. If before implementing any provision of this Act

1 a state agency determines that a waiver or authorization from a
2 federal agency is necessary for implementation of that provision,
3 the agency affected by the provision shall request the waiver or
4 authorization and may delay implementing that provision until the
5 waiver or authorization is granted.

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