87R3756 TYPED

By:  Zaffirini S.B. No. 40

A BILL TO BE ENTITLED

AN ACT

Relating to the use of telehealth in health professional programs administered by the Texas Department of Licensing and Regulation.

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

SECTION 1.  Subchapter D, Chapter 51, Occupations Code, is amended by adding Section 51.2033 to read as follows:

Sec. 51.2033.  PROVISION OF TELEHEALTH.

  (a) In this section:

    (1) "health professional" means a license holder regulated by the department who holds a license issued under Title 3, Occupations Code;

    (2) "patient" includes a client, consumer, or similar person receiving care or services under the laws and rules governing the applicable health professional program; and

    (3) "telehealth service" has the meaning assigned by Section 111.001, Occupations Code.

  (b) A health professional may provide telehealth services in accordance with Chapter 111, Occupations Code, and any requirements imposed by the laws and rules governing the applicable health professional program administered by the department. Unless the context requires otherwise, a reference to a health professional performing "direct" observation of a patient, or providing "direct" care or services to a patient, shall include the provision of telehealth services.

  (c) The commission may adopt rules as necessary to:

    (1) ensure that patients using telehealth services receive appropriate, quality care;

    (2) prevent abuse and fraud in the use of telehealth services, including rules relating to the filing of claims and records required to be maintained in connection with telehealth services;

    (3) implement the requirements of Chapter 111, Occupations Code, or any other law of this state regarding the provision of telehealth services or the protection of patients receiving telehealth services;

    (4) provide for the remote supervision of assistants and other authorized persons performing duties within their existing scope of practice using telecommunications or information technology; and

    (5) provide for the remote supervision of experience for apprentices, interns, or similar trainees, using telecommunications or information technology.

  (d) Rules adopted under this section may include the provision of remote education or distance learning for public or private schools, or continuing education.

  (e) Nothing in this section shall be interpreted to expand the existing scope of practice for health professionals, or to authorize practices or procedures otherwise prohibited by laws or rules governing health professionals. Rules adopted under this section are subject to the provisions of Sections 51.2031 and 51.2032 of this chapter.

SECTION 2.  Section 402.255(a), Occupations Code, is amended to read as follows:

  (a)  A supervisor of a temporary training permit holder must:

    (1)  be licensed to fit and dispense hearing instruments under this chapter or Chapter 401, other than Section 401.311 or 401.312;

    (2)  currently practice in the state of Texas under a license identified in Subsection (a)(1) [~~in an established place of business~~]; and

    (3)  be responsible for the direct supervision and education of a temporary training permit holder.

SECTION 3.  Section 403.151, Occupations Code, is amended to read as follows:

  (a)  A licensed dyslexia practitioner may practice, and provide telehealth services from a remote location, only in an educational setting, including a school, learning center, or clinic.

  (b)  A licensed dyslexia therapist may practice, and provide telehealth services from a remote location, in a school, learning center, clinic, or private practice setting.

  (c)  License holders may provide telehealth services only in the practice settings allowed by this section in (a) or (b), respectively, regardless of the physical location of the license holder or the recipient of the telehealth services.

SECTION 4.  The following provisions of the Occupations Code are repealed:

  (1)  Section 401.2022; and

  (2)  Section 402.1023.

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, the Act takes effect September 1, 2021.