

By: Guerra

H.B. No. 1742

A BILL TO BE ENTITLED

AN ACT

relating to the practice of dentistry and the provision of teledentistry dental services.

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

SECTION 1. The heading to Chapter 111, Occupations Code, is amended to read as follows:

CHAPTER 111. TELEMEDICINE, TELEDENTISTRY, AND TELEHEALTH

SECTION 2. Section 111.001, Occupations Code, is amended by amending Subdivisions (1) and (3) and adding Subdivision (2-a) to read as follows:

(1) "Dentist," "health [Health] professional," and "physician" have the meanings assigned by Section 1455.001, Insurance Code.

(2-a) "Teledentistry dental service" means a health care service delivered by a dentist, or a health professional acting under the delegation and supervision of a dentist, acting within the scope of the dentist's or health professional's license or certification to a patient at a different physical location than the dentist or health professional using telecommunications or information technology.

(3) "Telehealth service" means a health service, other than a telemedicine medical service or a teledentistry dental service, delivered by a health professional licensed, certified, or otherwise entitled to practice in this state and acting within the

1 scope of the health professional's license, certification, or
2 entitlement to a patient at a different physical location than the
3 health professional using telecommunications or information
4 technology.

5 SECTION 3. Section 111.002, Occupations Code, is amended to
6 read as follows:

7 Sec. 111.002. INFORMED CONSENT. (a) A treating physician,
8 dentist, or health professional who provides or facilitates the use
9 of telemedicine medical services, teledentistry dental services,
10 or telehealth services shall ensure that the informed consent of
11 the patient, or another appropriate individual authorized to make
12 health care treatment decisions for the patient, is obtained before
13 telemedicine medical services, teledentistry dental services, or
14 telehealth services are provided.

15 (b) A dentist who delegates a teledentistry dental service
16 shall ensure that the informed consent of the patient includes
17 disclosure to the patient that the dentist has delegated the
18 service.

19 SECTION 4. Section 111.003, Occupations Code, is amended to
20 read as follows:

21 Sec. 111.003. CONFIDENTIALITY. A treating physician,
22 dentist, or health professional who provides or facilitates the use
23 of telemedicine medical services, teledentistry dental services,
24 or telehealth services shall ensure that the confidentiality of the
25 patient's clinical [~~medical~~] information is maintained as required
26 by Chapter 159, by Subchapter C, Chapter 258, or by other applicable
27 law.

1 SECTION 5. Section 111.004, Occupations Code, is amended
2 to read as follows:

3 Sec. 111.004. RULES. (a) The Texas Medical Board, in
4 consultation with the commissioner of insurance, as appropriate,
5 may adopt rules necessary to:

6 (1) ensure that patients using telemedicine medical
7 services receive appropriate, quality care;

8 (2) prevent abuse and fraud in the use of telemedicine
9 medical services, including rules relating to the filing of claims
10 and records required to be maintained in connection with
11 telemedicine medical services;

12 (3) ensure adequate supervision of health
13 professionals who are not physicians and who provide telemedicine
14 medical services; and

15 (4) establish the maximum number of health
16 professionals who are not physicians that a physician may supervise
17 through a telemedicine medical service.

18 (b) The State Board of Dental Examiners, in consultation
19 with the commissioner of insurance, as appropriate, may adopt rules
20 necessary to:

21 (1) ensure that patients using teledentistry dental
22 services receive appropriate, quality care;

23 (2) prevent abuse and fraud in the use of
24 teledentistry dental services, including rules relating to the
25 filing of claims and records required to be maintained in
26 connection with teledentistry dental services;

27 (3) ensure adequate supervision of health

1 professionals who are not dentists and who provide teledentistry
2 dental services under the delegation and supervision of a dentist;
3 and

4 (4) establish that a dentist may delegate to and
5 supervise through a teledentistry dental service not more than two
6 health professionals who are not dentists.

7 SECTION 6. The heading to Section 111.005, Occupations
8 Code, is amended to read as follows:

9 Sec. 111.005. PRACTITIONER-PATIENT RELATIONSHIP FOR
10 TELEMEDICINE MEDICAL SERVICES OR TELEDENTISTRY DENTAL SERVICES.

11 SECTION 7. Section 111.005, Occupations Code, is amended by
12 amending Subsections (a) and (b) and adding Subsection (d) to read
13 as follows:

14 (a) For purposes of Section 562.056, a valid
15 practitioner-patient relationship is present between a
16 practitioner providing a telemedicine medical service or a
17 teledentistry dental service and a patient receiving the
18 [~~telemedicine medical~~] service as long as the practitioner complies
19 with the standard of care described in Section 111.007 and the
20 practitioner:

21 (1) has a preexisting practitioner-patient
22 relationship with the patient established in accordance with rules
23 adopted under Section 111.006;

24 (2) communicates, regardless of the method of
25 communication, with the patient pursuant to a call coverage
26 agreement established in accordance with:

27 (A) Texas Medical Board rules with a physician

1 requesting coverage of medical care for the patient; or

2 (B) State Board of Dental Examiners rules with a
3 dentist requesting coverage of dental care for the patient; or

4 (3) provides the telemedicine medical services or
5 teledentistry dental services through the use of one of the
6 following methods, as long as the practitioner complies with the
7 follow-up requirements in Subsection (b), and the method allows the
8 practitioner to have access to, and the practitioner uses, the
9 relevant clinical information that would be required in accordance
10 with the standard of care described in Section 111.007:

11 (A) synchronous audiovisual interaction between
12 the practitioner and the patient in another location;

13 (B) asynchronous store and forward technology,
14 including asynchronous store and forward technology in conjunction
15 with synchronous audio interaction between the practitioner and the
16 patient in another location, as long as the practitioner uses
17 clinical information from:

18 (i) clinically relevant photographic or
19 video images, including diagnostic images; or

20 (ii) the patient's relevant clinical
21 ~~[medical]~~ records, such as the relevant medical or dental history,
22 laboratory and pathology results, and prescriptive histories; or

23 (C) another form of audiovisual
24 telecommunication technology that allows the practitioner to
25 comply with the standard of care described in Section 111.007.

26 (b) A practitioner who provides telemedicine medical
27 services or teledentistry dental services to a patient as described

1 in Subsection (a)(3) shall:

2 (1) provide the patient with guidance on appropriate
3 follow-up care; and

4 (2) subject to Subsection (d), if the patient consents
5 and the patient has a primary care physician or a regular dentist,
6 provide to the patient's primary care physician or regular dentist,
7 as appropriate, within 72 hours after the practitioner provides the
8 services to the patient, a clinical [~~medical~~] record or other
9 report containing an explanation of:

10 (A) the treatment provided by the practitioner to
11 the patient; and

12 (B) as authorized by the law under which the
13 practitioner is licensed, certified, or otherwise permitted to
14 provide the service, the practitioner's evaluation, analysis, or
15 diagnosis[~~, as appropriate,~~] of the patient's condition.

16 (d) A practitioner who provides teledentistry dental
17 services to a patient as described in Subsection (a)(3):

18 (1) on the date the practitioner first provides the
19 teledentistry dental services, shall inform the patient of the
20 limitation provided by Subdivision (2); and

21 (2) may only provide teledentistry dental services
22 with respect to the patient for 12 months unless:

23 (A) a dentist performs an in-person tactile and
24 visual examination of the hard and soft tissues of the patient's
25 oral cavity; and

26 (B) the practitioner receives notice of the
27 examination described by Paragraph (A).

1 SECTION 8. Section 111.006, Occupations Code, is amended by
2 adding Subsection (c) to read as follows:

3 (c) The State Board of Dental Examiners and the Texas State
4 Board of Pharmacy shall jointly adopt rules that establish the
5 determination of a valid prescription in accordance with Section
6 111.005. Rules adopted under this subsection must allow for the
7 establishment of a practitioner-patient relationship by a
8 teledentistry dental service provided by a dentist to a patient in a
9 manner that complies with Section 111.005(a)(3). The State Board
10 of Dental Examiners and the Texas State Board of Pharmacy shall
11 jointly develop and publish on each respective board's Internet
12 website responses to frequently asked questions relating to the
13 determination of a valid prescription issued in the course of the
14 provision of teledentistry dental services.

15 SECTION 9. Section 111.007, Occupations Code, is amended to
16 read as follows:

17 Sec. 111.007. STANDARD OF CARE FOR TELEMEDICINE MEDICAL
18 SERVICES, TELEDENTISTRY DENTAL SERVICES, AND TELEHEALTH SERVICES.

19 (a) A health professional providing a health care service or
20 procedure as a telemedicine medical service, a teledentistry dental
21 service, or a telehealth service is subject to the standard of care
22 that would apply to the provision of the same health care service or
23 procedure in an in-person setting.

24 (b) An agency with regulatory authority over a health
25 professional may not adopt rules pertaining to telemedicine medical
26 services, teledentistry dental services, or telehealth services
27 that would impose a higher standard of care than the standard

1 described in Subsection (a).

2 SECTION 10. Chapter 111, Occupations Code, is amended by
3 adding Section 111.0075 to read as follows:

4 Sec. 111.0075. LICENSING FOR TELEDENTISTRY DENTAL
5 SERVICES. A health professional providing a health care service or
6 procedure as a teledentistry dental service is subject to the
7 licensing requirements that would apply to the provision of the
8 same health care service or procedure in an in-person setting.

9 SECTION 11. Chapter 111, Occupations Code, is amended by
10 adding Sections 111.009, 111.010, and 111.011 to read as follows:

11 Sec. 111.009. CERTAIN PRESCRIPTIONS PROHIBITED. (a) In
12 this section, "controlled substance" and "prescribe" have the
13 meanings assigned by Section 481.002, Health and Safety Code.

14 (b) A dentist may not prescribe a controlled substance to a
15 patient as a teledentistry dental service.

16 Sec. 111.010. DENTIST'S DUTY REGARDING FOLLOW-UP CARE FOR
17 ACUTE DENTAL CONDITION. (a) A dentist who treats a patient for an
18 acute dental condition as a teledentistry dental service shall, not
19 later than six weeks after the date of the service:

20 (1) contact or attempt to contact the patient to
21 schedule an in-person dental service for the patient in connection
22 with the acute dental condition; or

23 (2) refer the patient to another dentist for the
24 service described by Subdivision (1).

25 (b) A violation of Subsection (a) constitutes a ground for
26 disciplinary action under Section 263.002.

27 Sec. 111.011. STUDY AND REPORT. (a) The State Board of

1 Dental Examiners shall study the extent to which teledentistry
2 dental services may be used to substantially increase access to
3 dental care for the children of low-income families, including the
4 use of teledentistry dental services to perform a consultation
5 before referring the child's parents or legal guardians to
6 charitable organizations providing access to affordable dental
7 care.

8 (b) Not later than December 1, 2022, the board shall report
9 the results of the study conducted under Subsection (a) to the
10 standing committee of each house of the legislature with primary
11 jurisdiction over the board.

12 (c) This section expires January 1, 2023.

13 SECTION 12. Section 251.003, Occupations Code, is amended
14 by adding Subsection (d) to read as follows:

15 (d) For purposes of this subtitle, a person located in
16 another state practices dentistry in this state and is required to
17 hold a license to practice dentistry in this state if the person
18 through the use of any medium, including an electronic medium,
19 performs an act that constitutes the practice of dentistry on a
20 patient in this state.

21 SECTION 13. Chapter 254, Occupations Code, is amended by
22 adding Section 254.0035 to read as follows:

23 Sec. 254.0035. RULES REGARDING CALL COVERAGE AGREEMENTS.
24 The board shall adopt rules governing a call coverage agreement
25 between dentists.

26 SECTION 14. Section 258.001, Occupations Code, is amended
27 to read as follows:

1 Sec. 258.001. IMPERMISSIBLE DELEGATIONS. A dentist may not
2 delegate:

3 (1) an act to an individual who, by board order, is
4 prohibited from performing the act;

5 (2) any of the following acts to a person not licensed
6 as a dentist or dental hygienist:

7 (A) the removal of calculus, deposits, or
8 accretions from the natural and restored surfaces of exposed human
9 teeth and restorations in the human mouth;

10 (B) root planing or the smoothing and polishing
11 of roughened root surfaces or exposed human teeth; or

12 (C) any other act the delegation of which is
13 prohibited by board rule;

14 (3) any of the following acts to a person not licensed
15 as a dentist:

16 (A) comprehensive examination or diagnosis and
17 treatment planning;

18 (B) a surgical or cutting procedure on hard or
19 soft tissue;

20 (C) the prescription of a drug, medication, or
21 work authorization;

22 (D) the taking of an impression for a final
23 restoration, appliance, or prosthesis;

24 (E) the making of an intraoral occlusal
25 adjustment;

26 (F) direct pulp capping, pulpotomy, or any other
27 endodontic procedure;

1 (G) the final placement and intraoral adjustment
2 of a fixed or removable appliance; or

3 (H) the placement of any final restoration; or

4 (4) the authority to an individual to administer a
5 local anesthetic agent, inhalation sedative agent, parenteral
6 sedative agent, or general anesthetic agent, including as a
7 teledentistry dental service as that term is defined by Section
8 111.001, if the individual is not licensed as:

9 (A) a dentist with a permit issued by the board
10 for the procedure being performed, if a permit is required;

11 (B) a certified registered nurse anesthetist
12 licensed by the Texas Board of Nursing, only if the delegating
13 dentist holds a permit issued by the board for the procedure being
14 performed, if a permit is required; or

15 (C) a physician anesthesiologist licensed by the
16 Texas Medical Board.

17 SECTION 15. Section 262.152, Occupations Code, is amended
18 to read as follows:

19 Sec. 262.152. PERFORMANCE OF DELEGATED DUTIES. (a) Except
20 as provided by Section 262.1515, a dental hygienist shall practice
21 dental hygiene:

22 (1) in the dental office of a supervising dentist
23 licensed by the board; or

24 (2) in an alternate setting, including a nursing home,
25 the patient's home, a school, a hospital, a state institution, a
26 public health clinic, or another institution, under the supervision
27 of a supervising dentist.

1 (b) For purposes of this section, a dental hygienist who
2 practices dental hygiene as a teledentistry dental service, as
3 defined by Section 111.001, is practicing in an alternate setting
4 in compliance with Subsection (a)(2).

5 SECTION 16. Section 562.056(c), Occupations Code, is
6 amended to read as follows:

7 (c) For purposes of this section and Section 562.112, a
8 valid practitioner-patient relationship is present between a
9 practitioner providing telemedicine medical services or
10 teledentistry dental services and the patient receiving the
11 ~~[telemedicine medical]~~ services if the practitioner has complied
12 with the requirements for establishing such a relationship in
13 accordance with Section 111.005.

14 SECTION 17. Section 531.001, Government Code, is amended by
15 amending Subdivision (4-d) and adding Subdivision (6-a) to read as
16 follows:

17 (4-d) "Platform" means the technology, system,
18 software, application, modality, or other method through which a
19 health professional remotely interfaces with a patient when
20 providing a health care service or procedure as a telemedicine
21 medical service, teledentistry dental service, or telehealth
22 service.

23 (6-a) "Teledentistry dental service" has the meaning
24 assigned by Section 111.001, Occupations Code.

25 SECTION 18. Section 531.0216, Government Code, is amended
26 to read as follows:

27 Sec. 531.0216. PARTICIPATION AND REIMBURSEMENT OF

1 TELEMEDICINE MEDICAL SERVICE PROVIDERS, TELEDENTISTRY DENTAL
2 SERVICE PROVIDERS, AND TELEHEALTH SERVICE PROVIDERS UNDER
3 MEDICAID. (a) The executive commissioner by rule shall develop and
4 implement a system to reimburse providers of services under
5 Medicaid for services performed using telemedicine medical
6 services, teledentistry dental services, or telehealth services.

7 (c) The commission shall encourage health care providers
8 and health care facilities to provide telemedicine medical
9 services, teledentistry dental services, and telehealth services
10 in the health care delivery system. The commission may not require
11 that a service be provided to a patient through telemedicine
12 medical services, teledentistry dental services, or telehealth
13 services.

14 (c-1) Subsection (c) does not prohibit the authorization of
15 the provision of any service to a patient through teledentistry
16 dental services if:

- 17 (1) the patient requests the service; and
18 (2) the provision of the service through teledentistry
19 does not violate the standard of care applicable to the service.

20 (c-2) The commission shall explore opportunities to
21 increase STAR Health program providers' use of telemedicine medical
22 services in medically underserved areas of this state.

23 (d) Subject to Sections 111.004 and [~~Section~~] 153.004,
24 Occupations Code, the executive commissioner may adopt rules as
25 necessary to implement this section. In the rules adopted under
26 this section, the executive commissioner shall:

- 27 (1) refer to the site where the patient is physically

1 located as the patient site; and

2 (2) refer to the site where the physician, dentist, or
3 health professional providing the telemedicine medical service,
4 teledentistry dental service, or telehealth service is physically
5 located as the distant site.

6 (f) Not later than December 1 of each even-numbered year,
7 the commission shall report to the speaker of the house of
8 representatives and the lieutenant governor on the effects of
9 telemedicine medical services, teledentistry dental services,
10 telehealth services, and home telemonitoring services on Medicaid
11 in the state, including the number of physicians, dentists, health
12 professionals, and licensed health care facilities using
13 telemedicine medical services, teledentistry dental services,
14 telehealth services, or home telemonitoring services, the
15 geographic and demographic disposition of the physicians,
16 dentists, and health professionals, the number of patients
17 receiving telemedicine medical services, teledentistry dental
18 services, telehealth services, and home telemonitoring services,
19 the types of services being provided, the cost of utilization, and
20 the cost savings of telemedicine medical services, teledentistry
21 dental services, telehealth services, and home telemonitoring
22 services to Medicaid.

23 (g) The commission shall ensure that a Medicaid managed care
24 organization:

25 (1) does not deny reimbursement for a covered health
26 care service or procedure delivered by a health care provider with
27 whom the managed care organization contracts to a Medicaid

1 recipient as a telemedicine medical service, a teledentistry dental
2 service, or a telehealth service solely because the covered service
3 or procedure is not provided through an in-person consultation;

4 (2) does not limit, deny, or reduce reimbursement for
5 a covered health care service or procedure delivered by a health
6 care provider with whom the managed care organization contracts to
7 a Medicaid recipient as a telemedicine medical service, a
8 teledentistry dental service, or a telehealth service based on the
9 health care provider's choice of platform for providing the health
10 care service or procedure; and

11 (3) ensures that the use of telemedicine medical
12 services, teledentistry dental services, or telehealth services
13 promotes and supports patient-centered medical homes by allowing a
14 Medicaid recipient to receive a telemedicine medical service,
15 teledentistry dental service, or telehealth service from a provider
16 other than the recipient's primary care physician or provider,
17 except as provided by Section 531.0217(c-4), only if:

18 (A) the telemedicine medical service,
19 teledentistry dental service, or telehealth service is provided in
20 accordance with the law and contract requirements applicable to the
21 provision of the same health care service in an in-person setting,
22 including requirements regarding care coordination; and

23 (B) the provider of the telemedicine medical
24 service, teledentistry dental service, or telehealth service gives
25 notice to the Medicaid recipient's primary care physician or
26 provider regarding the [~~telemedicine medical service or~~
27 ~~telehealth~~] service, including a summary of the service, exam

1 findings, a list of prescribed or administered medications, and
2 patient instructions, for the purpose of sharing medical
3 information, provided that the recipient has a primary care
4 physician or provider and the recipient or, if appropriate, the
5 recipient's parent or legal guardian, consents to the notice.

6 (h) The commission shall develop, document, and implement a
7 monitoring process to ensure that a Medicaid managed care
8 organization ensures that the use of telemedicine medical services,
9 teledentistry dental services, or telehealth services promotes and
10 supports patient-centered medical homes and care coordination in
11 accordance with Subsection (g)(3). The process must include
12 monitoring of the rate at which a telemedicine medical service,
13 teledentistry dental service, or telehealth service provider gives
14 notice in accordance with Subsection (g)(3)(B).

15 (i) The executive commissioner by rule shall ensure that a
16 federally-qualified [~~federally-qualified~~] health center as defined
17 by 42 U.S.C. Section 1396d(1)(2)(B) may be reimbursed for the
18 originating site facility fee or the distant site practitioner fee
19 or both, as appropriate, for a covered telemedicine medical
20 service, teledentistry dental service, or telehealth service
21 delivered by a health care provider to a Medicaid recipient. The
22 commission is required to implement this subsection only if the
23 legislature appropriates money specifically for that purpose. If
24 the legislature does not appropriate money specifically for that
25 purpose, the commission may, but is not required to, implement this
26 subsection using other money available to the commission for that
27 purpose.

1 (j) In complying with state and federal requirements to
2 provide access to medically necessary services under the Medicaid
3 managed care program, a Medicaid managed care organization
4 determining whether reimbursement for a telemedicine medical
5 service, teledentistry dental service, or telehealth service is
6 appropriate shall continue to consider other factors, including
7 whether reimbursement is cost-effective and whether the provision
8 of the service is clinically effective.

9 SECTION 19. The heading to Section [531.02162](#), Government
10 Code, is amended to read as follows:

11 Sec. 531.02162. MEDICAID SERVICES PROVIDED THROUGH
12 TELEMEDICINE MEDICAL SERVICES, TELEDENTISTRY DENTAL SERVICES, AND
13 TELEHEALTH SERVICES TO CHILDREN WITH SPECIAL HEALTH CARE NEEDS.

14 SECTION 20. Section [531.02162](#), Government Code, is amended
15 by amending Subsections (b) and (c) and adding Subsection (d) to
16 read as follows:

17 (b) The executive commissioner by rule shall establish
18 policies that permit reimbursement under Medicaid and the child
19 health plan program for services provided through telemedicine
20 medical services, teledentistry dental services, and telehealth
21 services to children with special health care needs.

22 (c) The policies required under this section must:

23 (1) be designed to:

24 (A) prevent unnecessary travel and encourage
25 efficient use of telemedicine medical services, teledentistry
26 dental services, and telehealth services for children with special
27 health care needs in all suitable circumstances; and

1 (B) ensure in a cost-effective manner the
2 availability to a child with special health care needs of services
3 appropriately performed using telemedicine medical services,
4 teledentistry dental services, and telehealth services that are
5 comparable to the same types of services available to that child
6 without the use of telemedicine medical services, teledentistry
7 dental services, and telehealth services; and

8 (2) provide for reimbursement of multiple providers of
9 different services who participate in a single session of
10 telemedicine medical services, teledentistry dental services,
11 ~~[and]~~ telehealth services, or any combination of those services,
12 ~~[session]~~ for a child with special health care needs, if the
13 commission determines that reimbursing each provider for the
14 session is cost-effective in comparison to the costs that would be
15 involved in obtaining the services from providers without the use
16 of telemedicine medical services, teledentistry dental services,
17 and telehealth services, including the costs of transportation and
18 lodging and other direct costs.

19 (d) The policies established under this section may
20 authorize the provision of a service as a teledentistry dental
21 service only if the provision of the service through teledentistry
22 does not violate the standard of care applicable to the service.

23 SECTION 21. Subchapter B, Chapter 531, Government Code, is
24 amended by adding Section 531.02172 to read as follows:

25 Sec. 531.02172. REIMBURSEMENT FOR TELEDENTISTRY DENTAL
26 SERVICES. (a) The commission by rule shall require each health and
27 human services agency that administers a part of the Medicaid

1 program to provide Medicaid reimbursement for teledentistry dental
2 services provided by a dentist licensed to practice dentistry in
3 this state.

4 (b) The commission shall require reimbursement for a
5 teledentistry dental service at the same rate as the Medicaid
6 program reimburses for the same in-person dental service. A
7 request for reimbursement may not be denied solely because an
8 in-person dental service between a dentist and a patient did not
9 occur. The commission may not limit a dentist's choice of platform
10 for providing a teledentistry dental service by requiring that the
11 dentist use a particular platform to receive reimbursement for the
12 service.

13 (c) The State Board of Dental Examiners, in consultation
14 with the commission and the commission's office of inspector
15 general, as appropriate, may adopt rules as necessary to:

16 (1) ensure that appropriate care, including quality of
17 care, is provided to patients who receive teledentistry dental
18 services; and

19 (2) prevent abuse and fraud through the use of
20 teledentistry dental services, including rules relating to filing
21 claims and the records required to be maintained in connection with
22 teledentistry dental services.

23 SECTION 22. The heading to Section 62.157, Health and
24 Safety Code, is amended to read as follows:

25 Sec. 62.157. TELEMEDICINE MEDICAL SERVICES, TELEDENTISTRY
26 DENTAL SERVICES, AND TELEHEALTH SERVICES FOR CHILDREN WITH SPECIAL
27 HEALTH CARE NEEDS.

1 SECTION 23. Sections 62.157(a) and (b), Health and Safety
2 Code, are amended to read as follows:

3 (a) In providing covered benefits to a child with special
4 health care needs, a health plan provider must permit benefits to be
5 provided through telemedicine medical services, teledentistry
6 dental services, and telehealth services in accordance with
7 policies developed by the commission.

8 (b) The policies must provide for:

9 (1) the availability of covered benefits
10 appropriately provided through telemedicine medical services,
11 teledentistry dental services, and telehealth services that are
12 comparable to the same types of covered benefits provided without
13 the use of telemedicine medical services, teledentistry dental
14 services, and telehealth services; and

15 (2) the availability of covered benefits for different
16 services performed by multiple health care providers during a
17 single [~~telemedicine medical services and telehealth services~~]
18 session of telemedicine medical services, teledentistry dental
19 services, telehealth services, or any combination of those
20 services, if the executive commissioner determines that delivery of
21 the covered benefits in that manner is cost-effective in comparison
22 to the costs that would be involved in obtaining the services from
23 providers without the use of telemedicine medical services,
24 teledentistry dental services, and telehealth services, including
25 the costs of transportation and lodging and other direct costs.

26 SECTION 24. Section 62.1571, Health and Safety Code, is
27 amended to read as follows:

1 Sec. 62.1571. TELEMEDICINE MEDICAL SERVICES AND
2 TELEDENTISTRY DENTAL SERVICES. (a) In providing covered benefits
3 to a child, a health plan provider must permit benefits to be
4 provided through telemedicine medical services and teledentistry
5 dental services in accordance with policies developed by the
6 commission.

7 (b) The policies must provide for:

8 (1) the availability of covered benefits
9 appropriately provided through telemedicine medical services and
10 teledentistry dental services that are comparable to the same types
11 of covered benefits provided without the use of telemedicine
12 medical services and teledentistry dental services; and

13 (2) the availability of covered benefits for different
14 services performed by multiple health care providers during a
15 single session of telemedicine medical services, teledentistry
16 dental services, or both services, if the executive commissioner
17 determines that delivery of the covered benefits in that manner is
18 cost-effective in comparison to the costs that would be involved in
19 obtaining the services from providers without the use of
20 telemedicine medical services or teledentistry dental services,
21 including the costs of transportation and lodging and other direct
22 costs.

23 (c) [~~(d)~~] In this section, "teledentistry dental service"
24 and "telemedicine medical service" have [~~has~~] the meanings
25 [~~meaning~~] assigned by Section 531.001, Government Code.

26 SECTION 25. The heading to Chapter 1455, Insurance Code, is
27 amended to read as follows:

1 CHAPTER 1455. TELEMEDICINE, TELEDENTISTRY, AND TELEHEALTH

2 SECTION 26. Section 1455.001, Insurance Code, is amended by
3 amending Subdivisions (1) and (3) and adding Subdivision (1-a) to
4 read as follows:

5 (1) "Dentist" means a person licensed to practice
6 dentistry in this state under Subtitle D, Title 3, Occupations
7 Code.

8 (1-a) "Health professional" means:

9 (A) a physician;

10 (B) an individual who is:

11 (i) licensed or certified in this state to
12 perform health care services; and

13 (ii) authorized to assist:

14 (a) a physician in providing
15 telemedicine medical services that are delegated and supervised by
16 the physician; or

17 (b) a dentist in providing
18 teledentistry dental services that are delegated and supervised by
19 the dentist;

20 (C) a licensed or certified health professional
21 acting within the scope of the license or certification who does not
22 perform a telemedicine medical service or a teledentistry dental
23 service; or

24 (D) a dentist.

25 (3) "Teledentistry dental service," "telehealth
26 ["Telehealth] service," and "telemedicine medical service" have
27 the meanings assigned by Section 111.001, Occupations Code.

1 SECTION 27. Section 1455.004, Insurance Code, is amended to
2 read as follows:

3 Sec. 1455.004. COVERAGE FOR TELEMEDICINE MEDICAL SERVICES,
4 TELEDENTISTRY DENTAL SERVICES, AND TELEHEALTH SERVICES. (a) A
5 health benefit plan:

6 (1) must provide coverage for a covered health care
7 service or procedure delivered by a preferred or contracted health
8 professional to a covered patient as a telemedicine medical
9 service, teledentistry dental service, or telehealth service on the
10 same basis and to the same extent that the plan provides coverage
11 for the service or procedure in an in-person setting; and

12 (2) may not:

13 (A) exclude from coverage a covered health care
14 service or procedure delivered by a preferred or contracted health
15 professional to a covered patient as a telemedicine medical
16 service, a teledentistry dental service, or a telehealth service
17 solely because the covered health care service or procedure is not
18 provided through an in-person consultation; and

19 (B) subject to Subsection (c), limit, deny, or
20 reduce coverage for a covered health care service or procedure
21 delivered as a telemedicine medical service, teledentistry dental
22 service, or telehealth service based on the health professional's
23 choice of platform for delivering the service or procedure.

24 (b) A health benefit plan may require a deductible, a
25 copayment, or coinsurance for a covered health care service or
26 procedure delivered by a preferred or contracted health
27 professional to a covered patient as a telemedicine medical

1 service, a teledentistry dental service, or a telehealth service.
2 The amount of the deductible, copayment, or coinsurance may not
3 exceed the amount of the deductible, copayment, or coinsurance
4 required for the covered health care service or procedure provided
5 through an in-person consultation.

6 (b-1) Subsection (b) does not authorize a health benefit
7 plan to charge a separate deductible that applies only to a covered
8 health care service or procedure delivered as a telemedicine
9 medical service, teledentistry dental service, or telehealth
10 service.

11 (c) Notwithstanding Subsection (a), a health benefit plan
12 is not required to provide coverage for a telemedicine medical
13 service, a teledentistry dental service, or a telehealth service
14 provided by only synchronous or asynchronous audio interaction,
15 including:

- 16 (1) an audio-only telephone consultation;
17 (2) a text-only e-mail message; or
18 (3) a facsimile transmission.

19 (d) A health benefit plan may not impose an annual or
20 lifetime maximum on coverage for covered health care services or
21 procedures delivered as telemedicine medical services, teledentistry dental services, or telehealth services other than
22 the annual or lifetime maximum, if any, that applies in the
23 aggregate to all items and services and procedures covered under
24 the plan.

26 SECTION 28. Section [1455.006](#), Insurance Code, is amended to
27 read as follows:

1 Sec. 1455.006. TELEMEDICINE MEDICAL SERVICES,
2 TELEDENTISTRY DENTAL SERVICES, AND TELEHEALTH SERVICES STATEMENT.

3 (a) Each issuer of a health benefit plan shall adopt and display in
4 a conspicuous manner on the health benefit plan issuer's Internet
5 website the issuer's policies and payment practices for
6 telemedicine medical services, teledentistry dental services, and
7 telehealth services.

8 (b) This section does not require an issuer of a health
9 benefit plan to display negotiated contract payment rates for
10 health professionals who contract with the issuer to provide
11 telemedicine medical services, teledentistry dental services, or
12 telehealth services.

13 SECTION 29. Not later than March 1, 2022:

14 (1) the State Board of Dental Examiners and the Texas
15 State Board of Pharmacy shall jointly adopt rules as required by
16 Section [111.006\(c\)](#), Occupations Code, as added by this Act;

17 (2) the State Board of Dental Examiners shall adopt:

18 (A) rules necessary to implement Chapter [111](#),
19 Occupations Code, as amended by this Act; and

20 (B) rules as required by Section [254.0035](#),
21 Occupations Code, as added by this Act; and

22 (3) the Health and Human Services Commission shall
23 adopt rules as required by Section [531.02172](#), Government Code, as
24 added by this Act.

25 SECTION 30. If before implementing any provision of this
26 Act a state agency determines that a waiver or authorization from a
27 federal agency is necessary for implementation of that provision,

1 the agency affected by the provision shall request the waiver or
2 authorization and may delay implementing that provision until the
3 waiver or authorization is granted.

4 SECTION 31. (a) Except as provided by Subsection (b) of
5 this section, this Act takes effect September 1, 2021.

6 (b) Sections [1455.004](#) and [1455.006](#), Insurance Code, as
7 amended by this Act, take effect January 1, 2022.