

By: Klick, Guerra

H.B. No. 2056

Substitute the following for H.B. No. 2056:

By: Klick

C.S.H.B. No. 2056

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the practice of dentistry and the provision of
3 teledentistry dental services.

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

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

7 CHAPTER 111. TELEMEDICINE, TELEDENTISTRY, AND TELEHEALTH

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

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

14 (2-a) "Teledentistry dental service" means a health
15 care service delivered by a dentist, or a health professional
16 acting under the delegation and supervision of a dentist, acting
17 within the scope of the dentist's or health professional's license
18 or certification to a patient at a different physical location than
19 the dentist or health professional using telecommunications or
20 information technology.

21 (3) "Telehealth service" means a health service, other
22 than a telemedicine medical service or a teledentistry dental
23 service, delivered by a health professional licensed, certified, or
24 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) authorize a dentist to simultaneously delegate to
5 and supervise through a teledentistry dental service not more than
6 five 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(a), Occupations Code, is amended
12 to read as follows:

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

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

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

26 (A) Texas Medical Board rules with a physician
27 requesting coverage of medical care for the patient; or

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

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

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

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

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

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

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

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

27 (c) The State Board of Dental Examiners and the Texas State

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

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

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

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

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

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

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

8 SECTION 11. Chapter 111, Occupations Code, is amended by
9 adding Section 111.009 to read as follows:

10 Sec. 111.009. LIMITATION ON CERTAIN PRESCRIPTIONS. (a) In
11 this section:

12 (1) "Controlled substance," "opiate," and "prescribe"
13 have the meanings assigned by Section 481.002, Health and Safety
14 Code.

15 (2) "National holiday" means a day described by
16 Section 662.003(a), Government Code.

17 (b) The State Board of Dental Examiners by rule shall
18 establish limits on the quantity of a controlled substance,
19 including an opiate, that a dentist may prescribe to a patient as a
20 teledentistry dental service. Except as provided by Subsection
21 (c), the rules may not authorize a dentist to prescribe more than is
22 necessary to supply a patient for:

23 (1) if the prescription is for an opiate, a two-day
24 period; or

25 (2) if the prescription is for a controlled substance
26 other than an opiate, a five-day period.

27 (c) For each day in a period described by Subsection (b)(1)

1 or (2) that is a Saturday, Sunday, or national holiday, the period
2 is extended to include the next day that is not a Saturday, Sunday,
3 or national holiday.

4 (d) Rules adopted under this section must comply with
5 applicable federal laws and rules.

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

8 (d) For purposes of this subtitle, a person located in
9 another state practices dentistry in this state and is required to
10 hold a license to practice dentistry in this state if the person
11 through the use of any medium, including an electronic medium,
12 performs an act that constitutes the practice of dentistry on a
13 patient in this state.

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

16 Sec. 254.0035. RULES REGARDING CALL COVERAGE AGREEMENTS.
17 The board shall adopt rules governing a call coverage agreement
18 between dentists.

19 SECTION 14. Section 258.001, Occupations Code, is amended
20 to read as follows:

21 Sec. 258.001. IMPERMISSIBLE DELEGATIONS. A dentist may not
22 delegate:

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

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

27 (A) the removal of calculus, deposits, or

1 accretions from the natural and restored surfaces of exposed human
2 teeth and restorations in the human mouth;

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

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

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

9 (A) comprehensive examination or diagnosis and
10 treatment planning;

11 (B) a surgical or cutting procedure on hard or
12 soft tissue;

13 (C) the prescription of a drug, medication, or
14 work authorization;

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

17 (E) the making of an intraoral occlusal
18 adjustment;

19 (F) direct pulp capping, pulpotomy, or any other
20 endodontic procedure;

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

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

24 (4) the authority to an individual to administer a
25 local anesthetic agent, inhalation sedative agent, parenteral
26 sedative agent, or general anesthetic agent, including as a
27 teledentistry dental service as that term is defined by Section

1 111.001, if the individual is not licensed as:

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

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

8 (C) a physician anesthesiologist licensed by the
9 Texas Medical Board.

10 SECTION 15. Section 262.152, Occupations Code, is amended
11 to read as follows:

12 Sec. 262.152. PERFORMANCE OF DELEGATED DUTIES. (a) Except
13 as provided by Section 262.1515, a dental hygienist shall practice
14 dental hygiene:

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

17 (2) in an alternate setting, including a nursing home,
18 the patient's home, a school, a hospital, a state institution, a
19 public health clinic, or another institution, under the supervision
20 of a supervising dentist.

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

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

27 (c) For purposes of this section and Section 562.112, a

1 valid practitioner-patient relationship is present between a
2 practitioner providing telemedicine medical services or
3 teledentistry dental services and the patient receiving the
4 [~~telemedicine medical~~] services if the practitioner has complied
5 with the requirements for establishing such a relationship in
6 accordance with Section 111.005.

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

10 (4-d) "Platform" means the technology, system,
11 software, application, modality, or other method through which a
12 health professional remotely interfaces with a patient when
13 providing a health care service or procedure as a telemedicine
14 medical service, teledentistry dental service, or telehealth
15 service.

16 (6-a) "Teledentistry dental service" has the meaning
17 assigned by Section 111.001, Occupations Code.

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

20 Sec. 531.0216. PARTICIPATION AND REIMBURSEMENT OF
21 TELEMEDICINE MEDICAL SERVICE PROVIDERS, TELEDENTISTRY DENTAL
22 SERVICE PROVIDERS, AND TELEHEALTH SERVICE PROVIDERS UNDER
23 MEDICAID. (a) The executive commissioner by rule shall develop and
24 implement a system to reimburse providers of services under
25 Medicaid for services performed using telemedicine medical
26 services, teledentistry dental services, or telehealth services.

27 (c) The commission shall encourage health care providers

1 and health care facilities to provide telemedicine medical
2 services, teledentistry dental services, and telehealth services
3 in the health care delivery system. The commission may not require
4 that a service be provided to a patient through telemedicine
5 medical services, teledentistry dental services, or telehealth
6 services.

7 (c-1) The commission shall explore opportunities to
8 increase STAR Health program providers' use of telemedicine medical
9 services in medically underserved areas of this state.

10 (d) Subject to Sections 111.004 and [Section] 153.004,
11 Occupations Code, the executive commissioner may adopt rules as
12 necessary to implement this section. In the rules adopted under
13 this section, the executive commissioner shall:

14 (1) refer to the site where the patient is physically
15 located as the patient site; and

16 (2) refer to the site where the physician, dentist, or
17 health professional providing the telemedicine medical service,
18 teledentistry dental service, or telehealth service is physically
19 located as the distant site.

20 (f) Not later than December 1 of each even-numbered year,
21 the commission shall report to the speaker of the house of
22 representatives and the lieutenant governor on the effects of
23 telemedicine medical services, teledentistry dental services,
24 telehealth services, and home telemonitoring services on Medicaid
25 in the state, including the number of physicians, dentists, health
26 professionals, and licensed health care facilities using
27 telemedicine medical services, teledentistry dental services,

1 telehealth services, or home telemonitoring services, the
2 geographic and demographic disposition of the physicians,
3 dentists, and health professionals, the number of patients
4 receiving telemedicine medical services, teledentistry dental
5 services, telehealth services, and home telemonitoring services,
6 the types of services being provided, the cost of utilization, and
7 the cost savings of telemedicine medical services, teledentistry
8 dental services, telehealth services, and home telemonitoring
9 services to Medicaid.

10 (g) The commission shall ensure that a Medicaid managed care
11 organization:

12 (1) does not deny reimbursement for a covered health
13 care service or procedure delivered by a health care provider with
14 whom the managed care organization contracts to a Medicaid
15 recipient as a telemedicine medical service, a teledentistry dental
16 service, or a telehealth service solely because the covered service
17 or procedure is not provided through an in-person consultation;

18 (2) does not limit, deny, or reduce reimbursement for
19 a covered health care service or procedure delivered by a health
20 care provider with whom the managed care organization contracts to
21 a Medicaid recipient as a telemedicine medical service, a
22 teledentistry dental service, or a telehealth service based on the
23 health care provider's choice of platform for providing the health
24 care service or procedure; and

25 (3) ensures that the use of telemedicine medical
26 services, teledentistry dental services, or telehealth services
27 promotes and supports patient-centered medical homes by allowing a

1 Medicaid recipient to receive a telemedicine medical service,
2 teledentistry dental service, or telehealth service from a provider
3 other than the recipient's primary care physician or provider,
4 except as provided by Section 531.0217(c-4), only if:

5 (A) the telemedicine medical service,
6 teledentistry dental service, or telehealth service is provided in
7 accordance with the law and contract requirements applicable to the
8 provision of the same health care service in an in-person setting,
9 including requirements regarding care coordination; and

10 (B) the provider of the telemedicine medical
11 service, teledentistry dental service, or telehealth service gives
12 notice to the Medicaid recipient's primary care physician or
13 provider regarding the [~~telemedicine medical service or~~
14 ~~telehealth~~] service, including a summary of the service, exam
15 findings, a list of prescribed or administered medications, and
16 patient instructions, for the purpose of sharing medical
17 information, provided that the recipient has a primary care
18 physician or provider and the recipient or, if appropriate, the
19 recipient's parent or legal guardian, consents to the notice.

20 (h) The commission shall develop, document, and implement a
21 monitoring process to ensure that a Medicaid managed care
22 organization ensures that the use of telemedicine medical services,
23 teledentistry dental services, or telehealth services promotes and
24 supports patient-centered medical homes and care coordination in
25 accordance with Subsection (g)(3). The process must include
26 monitoring of the rate at which a telemedicine medical service,
27 teledentistry dental service, or telehealth service provider gives

1 notice in accordance with Subsection (g)(3)(B).

2 (i) The executive commissioner by rule shall ensure that a
3 federally-qualified [~~federally qualified~~] health center as defined
4 by 42 U.S.C. Section 1396d(1)(2)(B) may be reimbursed for the
5 originating site facility fee or the distant site practitioner fee
6 or both, as appropriate, for a covered telemedicine medical
7 service, teledentistry dental service, or telehealth service
8 delivered by a health care provider to a Medicaid recipient. The
9 commission is required to implement this subsection only if the
10 legislature appropriates money specifically for that purpose. If
11 the legislature does not appropriate money specifically for that
12 purpose, the commission may, but is not required to, implement this
13 subsection using other money available to the commission for that
14 purpose.

15 (j) In complying with state and federal requirements to
16 provide access to medically necessary services under the Medicaid
17 managed care program, a Medicaid managed care organization
18 determining whether reimbursement for a telemedicine medical
19 service, teledentistry dental service, or telehealth service is
20 appropriate shall continue to consider other factors, including
21 whether reimbursement is cost-effective and whether the provision
22 of the service is clinically effective.

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

25 Sec. 531.02162. MEDICAID SERVICES PROVIDED THROUGH
26 TELEMEDICINE MEDICAL SERVICES, TELEDENTISTRY DENTAL SERVICES, AND
27 TELEHEALTH SERVICES TO CHILDREN WITH SPECIAL HEALTH CARE NEEDS.

1 SECTION 20. Sections 531.02162(b) and (c), Government Code,
2 are amended to read as follows:

3 (b) The executive commissioner by rule shall establish
4 policies that permit reimbursement under Medicaid and the child
5 health plan program for services provided through telemedicine
6 medical services, teledentistry dental services, and telehealth
7 services to children with special health care needs.

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

9 (1) be designed to:

10 (A) prevent unnecessary travel and encourage
11 efficient use of telemedicine medical services, teledentistry
12 dental services, and telehealth services for children with special
13 health care needs in all suitable circumstances; and

14 (B) ensure in a cost-effective manner the
15 availability to a child with special health care needs of services
16 appropriately performed using telemedicine medical services,
17 teledentistry dental services, and telehealth services that are
18 comparable to the same types of services available to that child
19 without the use of telemedicine medical services, teledentistry
20 dental services, and telehealth services; and

21 (2) provide for reimbursement of multiple providers of
22 different services who participate in a single session of
23 telemedicine medical services, teledentistry dental services,
24 ~~and~~ telehealth services, or any combination of those services,
25 ~~session~~ for a child with special health care needs, if the
26 commission determines that reimbursing each provider for the
27 session is cost-effective in comparison to the costs that would be

1 involved in obtaining the services from providers without the use
2 of telemedicine medical services, teledentistry dental services,
3 and telehealth services, including the costs of transportation and
4 lodging and other direct costs.

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

7 Sec. 531.02172. REIMBURSEMENT FOR TELEDENTISTRY DENTAL
8 SERVICES. (a) The commission by rule shall require each health and
9 human services agency that administers a part of the Medicaid
10 program to provide Medicaid reimbursement for teledentistry dental
11 services provided by a dentist licensed to practice dentistry in
12 this state.

13 (b) The commission shall require reimbursement for a
14 teledentistry dental service at the same rate as the Medicaid
15 program reimburses for the same in-person dental service. A
16 request for reimbursement may not be denied solely because an
17 in-person dental service between a dentist and a patient did not
18 occur. The commission may not limit a dentist's choice of platform
19 for providing a teledentistry dental service by requiring that the
20 dentist use a particular platform to receive reimbursement for the
21 service.

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

25 (1) ensure that appropriate care, including quality of
26 care, is provided to patients who receive teledentistry dental
27 services; and

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

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

7 Sec. 62.157. TELEMEDICINE MEDICAL SERVICES, TELEDENTISTRY
8 DENTAL SERVICES, AND TELEHEALTH SERVICES FOR CHILDREN WITH SPECIAL
9 HEALTH CARE NEEDS.

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

12 (a) In providing covered benefits to a child with special
13 health care needs, a health plan provider must permit benefits to be
14 provided through telemedicine medical services, teledentistry
15 dental services, and telehealth services in accordance with
16 policies developed by the commission.

17 (b) The policies must provide for:

18 (1) the availability of covered benefits
19 appropriately provided through telemedicine medical services,
20 teledentistry dental services, and telehealth services that are
21 comparable to the same types of covered benefits provided without
22 the use of telemedicine medical services, teledentistry dental
23 services, and telehealth services; and

24 (2) the availability of covered benefits for different
25 services performed by multiple health care providers during a
26 single [~~telemedicine medical services and telehealth services~~]
27 session of telemedicine medical services, teledentistry dental

1 services, telehealth services, or any combination of those
2 services, if the executive commissioner determines that delivery of
3 the covered benefits in that manner is cost-effective in comparison
4 to the costs that would be involved in obtaining the services from
5 providers without the use of telemedicine medical services,
6 teledentistry dental services, and telehealth services, including
7 the costs of transportation and lodging and other direct costs.

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

10 Sec. 62.1571. TELEMEDICINE MEDICAL SERVICES AND
11 TELEDENTISTRY DENTAL SERVICES. (a) In providing covered benefits
12 to a child, a health plan provider must permit benefits to be
13 provided through telemedicine medical services and teledentistry
14 dental services in accordance with policies developed by the
15 commission.

16 (b) The policies must provide for:

17 (1) the availability of covered benefits
18 appropriately provided through telemedicine medical services and
19 teledentistry dental services that are comparable to the same types
20 of covered benefits provided without the use of telemedicine
21 medical services and teledentistry dental services; and

22 (2) the availability of covered benefits for different
23 services performed by multiple health care providers during a
24 single session of telemedicine medical services, teledentistry
25 dental services, or both services, if the executive commissioner
26 determines that delivery of the covered benefits in that manner is
27 cost-effective in comparison to the costs that would be involved in

1 obtaining the services from providers without the use of
2 telemedicine medical services or teledentistry dental services,
3 including the costs of transportation and lodging and other direct
4 costs.

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

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

10 CHAPTER 1455. TELEMEDICINE, TELEDENTISTRY, AND TELEHEALTH

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

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

17 (1-a) "Health professional" means:

18 (A) a physician;

19 (B) an individual who is:

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

22 (ii) authorized to assist:

23 (a) a physician in providing
24 telemedicine medical services that are delegated and supervised by
25 the physician; or

26 (b) a dentist in providing
27 teledentistry dental services that are delegated and supervised by

1 the dentist;

2 (C) a licensed or certified health professional
3 acting within the scope of the license or certification who does not
4 perform a telemedicine medical service or a teledentistry dental
5 service; or

6 (D) a dentist.

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

10 SECTION 27. Section 1455.004, Insurance Code, is amended to
11 read as follows:

12 Sec. 1455.004. COVERAGE FOR TELEMEDICINE MEDICAL SERVICES,
13 TELEDENTISTRY DENTAL SERVICES, AND TELEHEALTH SERVICES. (a) A
14 health benefit plan:

15 (1) must provide coverage for a covered health care
16 service or procedure delivered by a preferred or contracted health
17 professional to a covered patient as a telemedicine medical
18 service, teledentistry dental service, or telehealth service on the
19 same basis and to the same extent that the plan provides coverage
20 for the service or procedure in an in-person setting; and

21 (2) may not:

22 (A) exclude from coverage a covered health care
23 service or procedure delivered by a preferred or contracted health
24 professional to a covered patient as a telemedicine medical
25 service, a teledentistry dental service, or a telehealth service
26 solely because the covered health care service or procedure is not
27 provided through an in-person consultation; and

1 (B) subject to Subsection (c), limit, deny, or
2 reduce coverage for a covered health care service or procedure
3 delivered as a telemedicine medical service, teledentistry dental
4 service, or telehealth service based on the health professional's
5 choice of platform for delivering the service or procedure.

6 (b) A health benefit plan may require a deductible, a
7 copayment, or coinsurance for a covered health care service or
8 procedure delivered by a preferred or contracted health
9 professional to a covered patient as a telemedicine medical
10 service, a teledentistry dental service, or a telehealth service.
11 The amount of the deductible, copayment, or coinsurance may not
12 exceed the amount of the deductible, copayment, or coinsurance
13 required for the covered health care service or procedure provided
14 through an in-person consultation.

15 (b-1) Subsection (b) does not authorize a health benefit
16 plan to charge a separate deductible that applies only to a covered
17 health care service or procedure delivered as a telemedicine
18 medical service, teledentistry dental service, or telehealth
19 service.

20 (c) Notwithstanding Subsection (a), a health benefit plan
21 is not required to provide coverage for a telemedicine medical
22 service, a teledentistry dental service, or a telehealth service
23 provided by only synchronous or asynchronous audio interaction,
24 including:

- 25 (1) an audio-only telephone consultation;
26 (2) a text-only e-mail message; or
27 (3) a facsimile transmission.

1 (d) A health benefit plan may not impose an annual or
2 lifetime maximum on coverage for covered health care services or
3 procedures delivered as telemedicine medical services,
4 teledentistry dental services, or telehealth services other than
5 the annual or lifetime maximum, if any, that applies in the
6 aggregate to all items and services and procedures covered under
7 the plan.

8 SECTION 28. Section 1455.006, Insurance Code, is amended to
9 read as follows:

10 Sec. 1455.006. TELEMEDICINE MEDICAL SERVICES,
11 TELEDENTISTRY DENTAL SERVICES, AND TELEHEALTH SERVICES STATEMENT.

12 (a) Each issuer of a health benefit plan shall adopt and display in
13 a conspicuous manner on the health benefit plan issuer's Internet
14 website the issuer's policies and payment practices for
15 telemedicine medical services, teledentistry dental services, and
16 telehealth services.

17 (b) This section does not require an issuer of a health
18 benefit plan to display negotiated contract payment rates for
19 health professionals who contract with the issuer to provide
20 telemedicine medical services, teledentistry dental services, or
21 telehealth services.

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

23 (1) the State Board of Dental Examiners and the Texas
24 State Board of Pharmacy shall jointly adopt rules as required by
25 Section 111.006(c), Occupations Code, as added by this Act;

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

27 (A) rules necessary to implement Chapter 111,

1 Occupations Code, as amended by this Act; and

2 (B) rules as required by Section 254.0035,
3 Occupations Code, as added by this Act; and

4 (3) the Health and Human Services Commission shall
5 adopt rules as required by Section 531.02172, Government Code, as
6 added by this Act.

7 SECTION 30. If before implementing any provision of this
8 Act a state agency determines that a waiver or authorization from a
9 federal agency is necessary for implementation of that provision,
10 the agency affected by the provision shall request the waiver or
11 authorization and may delay implementing that provision until the
12 waiver or authorization is granted.

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

15 (b) Sections 1455.004 and 1455.006, Insurance Code, as
16 amended by this Act, take effect January 1, 2022.