

By: Darby, Guillen, Price, Rogers, et al.

H.B. No. 2792

Substitute the following for H.B. No. 2792:

By: Klick

C.S.H.B. No. 2792

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a pilot project to provide emergency telemedicine
3 medical services and telehealth services in rural areas.

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

5 SECTION 1. Chapter 771, Health and Safety Code, is amended
6 by adding Subchapter F to read as follows:

7 SUBCHAPTER F. NEXT GENERATION 9-1-1 TELEMEDICINE MEDICAL SERVICES
8 AND TELEHEALTH SERVICES PILOT PROJECT

9 Sec. 771.151. DEFINITIONS. In this subchapter:

10 (1) "Center" means the area health education center at
11 the Texas Tech University Health Sciences Center that meets the
12 requirements of 42 U.S.C. Section 294a and has been awarded federal
13 funding as an area health education center.

14 (2) "Emergency medical services" means services used
15 to respond to an individual's perceived need for immediate medical
16 care and to prevent death or aggravation of physiological or
17 psychological illness or injury.

18 (3) "Emergency medical services provider" means a
19 person who uses or maintains emergency medical services vehicles,
20 medical equipment, and emergency medical services personnel to
21 provide emergency medical services.

22 (4) "Emergency prehospital care" means care provided
23 to a sick or injured individual before or during transportation of
24 the individual to a medical facility, and includes any necessary

1 stabilization of the individual in connection with that
2 transportation.

3 (5) "Pilot project" means a pilot project established
4 under Section 771.152.

5 (6) "Regional trauma resource center" means a trauma
6 facility the center selects to participate in the pilot project.

7 (7) "Rural area" means:

8 (A) a county with a population of 50,000 or less;

9 or

10 (B) a large, isolated, and sparsely populated
11 area of a county with a population of more than 50,000.

12 (8) "Telehealth service" and "telemedicine medical
13 service" have the meanings assigned by Section 111.001, Occupations
14 Code.

15 (9) "Trauma facility" means a health care facility
16 equipped and staffed to provide comprehensive treatment of
17 seriously injured individuals as part of an emergency medical
18 services and trauma care system.

19 Sec. 771.152. ESTABLISHMENT OF PILOT PROJECT. (a) The
20 commission, with the assistance of the center, shall establish a
21 pilot project to provide emergency medical services instruction and
22 emergency prehospital care instruction through a telemedicine
23 medical service or telehealth service provided by regional trauma
24 resource centers to:

25 (1) health care providers in rural area trauma
26 facilities; and

27 (2) emergency medical services providers in rural

1 areas.

2 (b) The commission shall provide technical assistance to
3 the center in implementing the pilot project.

4 (c) The center, with the assistance of the commission,
5 shall:

6 (1) design criteria and protocols for each
7 telemedicine medical service or telehealth service offered and the
8 related instruction and provide the oversight necessary to conduct
9 the pilot project;

10 (2) define criteria to determine when a telemedicine
11 medical service or telehealth service that provides instruction for
12 emergency medical services, emergency prehospital care, and trauma
13 care should be transferred to an emergency medical resource center
14 for intervention; and

15 (3) collect the data necessary to evaluate the
16 project.

17 (d) The center may make available appropriate resources for
18 individuals who do not speak English.

19 Sec. 771.153. PERSONNEL. The center shall provide the
20 telemedicine medical service or telehealth service and related
21 instruction for the pilot project through health care providers in
22 regional trauma resource centers, including physicians,
23 pharmacists, emergency medical personnel, and other health
24 professionals.

25 Sec. 771.154. PARTICIPATION IN PILOT PROJECT. (a) The
26 center shall determine the trauma facilities and emergency medical
27 services providers interested in participating in the pilot

1 project.

2 (b) A trauma facility or emergency medical services
3 provider participating in the pilot project must agree to
4 successfully complete any required training and to provide all
5 reports required by the center for the project.

6 Sec. 771.155. SELECTION OF PROJECT PARTICIPANTS AND
7 REGIONAL TRAUMA RESOURCE CENTERS. (a) The center, with the
8 assistance of the commission, may select trauma facilities and
9 emergency medical services providers to participate in the pilot
10 project and select trauma facilities to serve as regional trauma
11 resource centers.

12 (b) The center may not select a trauma facility to
13 participate in the pilot project or to serve as a regional trauma
14 resource center unless the facility:

15 (1) has a quality assurance program that measures each
16 health care provider's compliance with the medical protocol;

17 (2) uses emergency medical services and emergency
18 prehospital care protocols approved by a physician medical director
19 knowledgeable in emergency medical services and emergency
20 prehospital care;

21 (3) has experience in providing emergency medical
22 services and emergency prehospital care that the center determines
23 is sufficient; and

24 (4) has resources sufficient to provide the additional
25 telemedicine medical services or telehealth services and related
26 instruction required for the project in addition to the health care
27 services already provided by the facility.

1 (c) In selecting a trauma facility to serve as a regional
2 trauma resource center, the center shall consider the facility
3 personnel's ability to maintain records and produce reports to
4 measure the effectiveness of the pilot project. The center shall
5 share information regarding that ability with the commission.

6 Sec. 771.156. FUNDING OF PILOT PROJECT. (a) Money
7 collected under Section 771.072(f) may be appropriated to the
8 commission to fund the pilot project.

9 (b) The center may seek grants to fund the pilot project.

10 (c) A political subdivision with a trauma facility that
11 participates in the pilot project may pay part of the costs of the
12 project.

13 (d) If a sufficient number of political subdivisions in a
14 region that may be served by the pilot project agree to pay the
15 center an amount that together with other funding received under
16 this section is sufficient to fund the project for the region, the
17 center shall:

18 (1) contract with the political subdivisions for each
19 to pay an appropriate share of the cost; and

20 (2) implement the project for the region when the
21 amounts agreed to in the contracts and any other funding received
22 under this section are sufficient to fund the project for the
23 region.

24 Sec. 771.157. REPORT TO LEGISLATURE. The center, in
25 cooperation with the commission, shall report its findings to the
26 governor and the presiding officer of each house of the
27 legislature, not later than December 31, 2026.

1 Sec. 771.158. LIABILITY. The operations of the center and a
2 regional trauma resource center are considered to be the provision
3 of 9-1-1 services for purposes of Section 771.053. Employees of and
4 volunteers at the regional trauma resource center have the same
5 protection from liability as a member of the governing body of a
6 public agency under Section 771.053.

7 Sec. 771.159. WORK GROUP. (a) The center may appoint a
8 project work group to assist the center in developing,
9 implementing, and evaluating the pilot project and preparing a
10 report on the center's findings.

11 (b) A member of the work group is not entitled to
12 compensation for serving on the project work group and may not be
13 reimbursed for travel or other expenses incurred while conducting
14 the business of the project work group.

15 (c) The project work group is not subject to Chapter 2110,
16 Government Code.

17 Sec. 771.160. EXPIRATION. This subchapter expires
18 September 1, 2027.

19 SECTION 2. Section 771.072(g), Health and Safety Code, is
20 amended to read as follows:

21 (g) Notwithstanding any other law, revenue derived from the
22 equalization surcharge imposed under this section may be
23 appropriated to the commission only for the purposes described by
24 Section 771.156 and Sections 773.122 through 773.124.

25 SECTION 3. This Act takes effect September 1, 2021.