

By: Meza

H.B. No. 3396

A BILL TO BE ENTITLED

AN ACT

1
2 relating to provision of behavioral health services under Medicaid
3 using audio-only technology and to reimbursement for those
4 services.

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

6 SECTION 1. Subchapter B, Chapter 531, Government Code, is
7 amended by adding Section 531.02172 to read as follows:

8 Sec. 531.02172. OPTION TO RECEIVE BEHAVIORAL HEALTH
9 SERVICES AS AUDIO-ONLY TELEHEALTH OR TELEMEDICINE MEDICAL SERVICE.

10 (a) To the extent permitted by federal law, the commission shall
11 ensure that Medicaid recipients and child health plan program
12 enrollees, regardless of whether receiving benefits through a
13 managed care delivery model or another delivery model, have the
14 option to receive behavioral health services as a telehealth
15 service or telemedicine medical service, as appropriate, using
16 audio-only technology if the provider determines that the use of
17 audio-only technology is clinically appropriate and meets the
18 standard of care for providing the services.

19 (b) The commission or a Medicaid managed care organization
20 shall defer to the determination of the behavioral health service
21 provider regarding whether the provision of behavioral health
22 services using audio-only technology is clinically appropriate.

23 (c) The commission shall ensure that behavioral health
24 services provided as a telehealth service using audio-only

1 technology are reimbursed at the same rate as Medicaid reimburses
2 for the same in-person service.

3 SECTION 2. If before implementing any provision of this Act
4 a state agency determines that a waiver or authorization from a
5 federal agency is necessary for implementation of that provision,
6 the agency affected by the provision shall request the waiver or
7 authorization and may delay implementing that provision until the
8 waiver or authorization is granted.

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