

AN ACT

relating to the provision of telehealth services by certain health professionals licensed by the Texas Department of Licensing and Regulation.

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

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

SUBCHAPTER J. PRACTICE BY CERTAIN LICENSE HOLDERS

Sec. 51.501. TELEHEALTH. (a) In this section:

(1) "Health professional" means a person who holds a license issued by the department under Title 3.

(2) "Patient" means a client, consumer, or other person receiving care or services from a health professional.

(3) "Telehealth service" has the meaning assigned by Section 111.001.

(b) A health professional may provide telehealth services in accordance with Chapter 111 and any requirements imposed by the law and rules governing practice by the health professional.

(c) Unless the context indicates otherwise, a reference in Title 3 or a rule adopted under that title to direct observation of a patient by a health professional or direct care or services provided to a patient by a health professional includes the provision of that observation, care, or service using telehealth services.

1 (d) The commission may adopt rules as necessary to:

2 (1) ensure that patients receiving telehealth
3 services receive appropriate, quality care;

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

8 (3) implement the requirements of Chapter 111 or other
9 laws of this state regarding the provision of telehealth services
10 or the protection of patients receiving telehealth services;

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

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

18 (e) Rules under this section may allow for the provision of:

19 (1) remote education or distance learning for public
20 or private schools; and

21 (2) continuing education using telecommunications or
22 information technology.

23 (f) The adoption of rules under this section is subject to
24 Sections 51.2031 and 51.2032.

25 (g) This section may not be interpreted to:

26 (1) expand the scope of practice of a health
27 professional; or

1 (2) authorize a practice or procedure otherwise
2 prohibited by the law or rules governing a health professional.

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

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

6 (1) be licensed to fit and dispense hearing
7 instruments under this chapter or Chapter 401, other than Section
8 401.311 or 401.312;

9 (2) currently practice in this state under a license
10 described by Subdivision (1) [an established place of business];
11 and

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

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

16 Sec. 403.151. PRACTICE SETTING. (a) A licensed dyslexia
17 practitioner may practice only in, or provide telehealth services
18 from a remote location only to, an educational setting, including a
19 school, learning center, or clinic.

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

23 (c) A license holder may provide telehealth services only in
24 a practice setting described by this section, regardless of the
25 physical location of the license holder or the recipient of the
26 telehealth services.

27 SECTION 4. The following provisions of the Occupations Code

1 are repealed:

2 (1) Section [401.2022](#); and

3 (2) Section [402.1023](#).

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 40 passed the Senate on April 13, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 40 passed the House on May 18, 2021, by the following vote: Yeas 135, Nays 2, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor