

By: Zaffirini

S.B. No. 40

A BILL TO BE ENTITLED

AN ACT

1
2 Relating to the use of telehealth in health professional programs
3 administered by the Texas Department of Licensing and Regulation.

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

5 SECTION 1. Subchapter D, Chapter 51, Occupations Code, is
6 amended by adding Section 51.2033 to read as follows:

7 Sec. 51.2033. PROVISION OF TELEHEALTH.

8 (a) In this section:

9 (1) "health professional" means a license holder regulated by
10 the department who holds a license issued under Title 3,
11 Occupations Code;

12 (2) "patient" includes a client, consumer, or similar person
13 receiving care or services under the laws and rules governing the
14 applicable health professional program; and

15 (3) "telehealth service" has the meaning assigned by Section
16 111.001, Occupations Code.

17 (b) A health professional may provide telehealth services in
18 accordance with Chapter 111, Occupations Code, and any requirements
19 imposed by the laws and rules governing the applicable health
20 professional program administered by the department. Unless the
21 context requires otherwise, a reference to a health professional
22 performing "direct" observation of a patient, or providing "direct"
23 care or services to a patient, shall include the provision of
24 telehealth services.

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

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

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

7 (3) implement the requirements of Chapter 111, Occupations
8 Code, or any other law of this state regarding the provision of
9 telehealth services or the protection of patients receiving
10 telehealth services;

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

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

17 (d) Rules adopted under this section may include the provision of
18 remote education or distance learning for public or private
19 schools, or continuing education.

20 (e) Nothing in this section shall be interpreted to expand the
21 existing scope of practice for health professionals, or to
22 authorize practices or procedures otherwise prohibited by laws or
23 rules governing health professionals. Rules adopted under this
24 section are subject to the provisions of Sections 51.2031 and
25 51.2032 of this chapter.

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

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

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

4 (2) currently practice in the state of Texas under a license
5 identified in Subsection (a)(1) [~~in an established place of~~
6 ~~business~~]; and

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

9 SECTION 3. Section 403.151, Occupations Code, is amended to
10 read as follows:

11 (a) A licensed dyslexia practitioner may practice, and provide
12 telehealth services from a remote location, only in an educational
13 setting, including a school, learning center, or clinic.

14 (b) A licensed dyslexia therapist may practice, and provide
15 telehealth services from a remote location, in a school, learning
16 center, clinic, or private practice setting.

17 (c) License holders may provide telehealth services only in the
18 practice settings allowed by this section in (a) or (b),
19 respectively, regardless of the physical location of the license
20 holder or the recipient of the telehealth services.

21 SECTION 4. The following provisions of the Occupations Code
22 are repealed:

23 (1) Section 401.2022; and

24 (2) Section 402.1023.

25 SECTION 5. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, the
2 Act takes effect September 1, 2021.