

By: Perry, et al.

S.B. No. 488

A BILL TO BE ENTITLED

AN ACT

relating to the practice of dentistry and the provision of teledentistry dental services.

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

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

CHAPTER 111. TELEMEDICINE, TELEDENTISTRY, AND TELEHEALTH

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

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

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

(3) "Telehealth service" means a health service, other than a telemedicine medical service or a teledentistry dental service, delivered by a health professional licensed, certified, or 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) establish the maximum number of health
5 professionals who are not dentists that a dentist may supervise
6 through a teledentistry dental service.

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, Occupations Code, is amended by
12 amending Subsections (a) and (b) and adding Subsection (d) to read
13 as follows:

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

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

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

27 (A) Texas Medical Board rules with a physician

1 requesting coverage of medical care for the patient; or

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

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

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

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

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

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

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

26 (b) A practitioner who provides telemedicine medical
27 services or teledentistry dental services to a patient as described

1 in Subsection (a)(3) shall:

2 (1) provide the patient with guidance on appropriate
3 follow-up care; and

4 (2) except as provided by Subsection (d), if the
5 patient consents and the patient has a primary care physician or a
6 regular dentist, provide to the patient's primary care physician or
7 regular dentist, as appropriate, within 72 hours after the
8 practitioner provides the services to the patient, a clinical
9 ~~[medical]~~ record or other report containing an explanation of:

10 (A) the treatment provided by the practitioner to
11 the patient; and

12 (B) as authorized by the law under which the
13 practitioner is licensed, certified, or otherwise permitted to
14 provide the service, the practitioner's evaluation, analysis, or
15 diagnosis~~[, as appropriate,]~~ of the patient's condition.

16 (d) This subsection applies only to a teledentistry dental
17 service consisting of a digital three-dimensional scan of the
18 patient that does not affect the hard or soft tissues of the oral
19 cavity and that is performed at a location other than the dentist's
20 location. A practitioner providing a treatment based on a
21 teledentistry dental service to which this subsection applies is
22 not required to comply with Subsection (b)(2) but shall, on request
23 of the patient, provide to the patient the record or report
24 described by that subdivision after the patient has completed the
25 treatment.

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

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

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

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

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

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

1 described in Subsection (a).

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

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

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

11 Sec. 111.009. LIMITATION ON CERTAIN PRESCRIPTIONS. (a) In
12 this section, "controlled substance" and "prescribe" have the
13 meanings assigned by Section 481.002, Health and Safety Code.

14 (b) The State Board of Dental Examiners by rule shall
15 establish limits on the quantity of a controlled substance that a
16 dentist may prescribe to a patient as a teledentistry dental
17 service. The rules may not authorize a dentist to prescribe more
18 than a five-day supply of the controlled substance.

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

21 (d) For purposes of this subtitle, a person located in
22 another state practices dentistry in this state and is required to
23 hold a license to practice dentistry in this state if the person
24 through the use of any medium, including an electronic medium,
25 performs an act that constitutes the practice of dentistry on a
26 patient in this state.

27 SECTION 13. Chapter 254, Occupations Code, is amended by

1 adding Section 254.0035 to read as follows:

2 Sec. 254.0035. RULES REGARDING CALL COVERAGE AGREEMENTS.

3 The board shall adopt rules governing a call coverage agreement
4 between dentists.

5 SECTION 14. Section 258.001, Occupations Code, is amended
6 to read as follows:

7 Sec. 258.001. IMPERMISSIBLE DELEGATIONS. A dentist may not
8 delegate:

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

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

13 (A) the removal of calculus, deposits, or
14 accretions from the natural and restored surfaces of exposed human
15 teeth and restorations in the human mouth;

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

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

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

22 (A) comprehensive examination or diagnosis and
23 treatment planning;

24 (B) a surgical or cutting procedure on hard or
25 soft tissue;

26 (C) the prescription of a drug, medication, or
27 work authorization;

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

3 (E) the making of an intraoral occlusal
4 adjustment;

5 (F) direct pulp capping, pulpotomy, or any other
6 endodontic procedure;

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

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

10 (4) the authority to an individual to administer a
11 local anesthetic agent, inhalation sedative agent, parenteral
12 sedative agent, or general anesthetic agent, including as a
13 teledentistry dental service as that term is defined by Section
14 111.001, if the individual is not licensed as:

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

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

21 (C) a physician anesthesiologist licensed by the
22 Texas Medical Board.

23 SECTION 15. Section 262.152, Occupations Code, is amended
24 to read as follows:

25 Sec. 262.152. PERFORMANCE OF DELEGATED DUTIES. (a) Except
26 as provided by Section 262.1515, a dental hygienist shall practice
27 dental hygiene:

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

3 (2) in an alternate setting, including a nursing home,
4 the patient's home, a school, a hospital, a state institution, a
5 public health clinic, or another institution, under the supervision
6 of a supervising dentist.

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

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

13 (c) For purposes of this section and Section 562.112, a
14 valid practitioner-patient relationship is present between a
15 practitioner providing telemedicine medical services or
16 teledentistry dental services and the patient receiving the
17 [~~telemedicine medical~~] services if the practitioner has complied
18 with the requirements for establishing such a relationship in
19 accordance with Section 111.005.

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

23 (4-d) "Platform" means the technology, system,
24 software, application, modality, or other method through which a
25 health professional remotely interfaces with a patient when
26 providing a health care service or procedure as a telemedicine
27 medical service, teledentistry dental service, or telehealth

1 service.

2 (6-a) "Teledentistry dental service" has the meaning
3 assigned by Section 111.001, Occupations Code.

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

6 Sec. 531.0216. PARTICIPATION AND REIMBURSEMENT OF
7 TELEMEDICINE MEDICAL SERVICE PROVIDERS, TELEDENTISTRY DENTAL
8 SERVICE PROVIDERS, AND TELEHEALTH SERVICE PROVIDERS UNDER
9 MEDICAID. (a) The executive commissioner by rule shall develop and
10 implement a system to reimburse providers of services under
11 Medicaid for services performed using telemedicine medical
12 services, teledentistry dental services, or telehealth services.

13 (c) The commission shall encourage health care providers
14 and health care facilities to provide telemedicine medical
15 services, teledentistry dental services, and telehealth services
16 in the health care delivery system. The commission may not require
17 that a service be provided to a patient through telemedicine
18 medical services, teledentistry dental services, or telehealth
19 services.

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

23 (d) Subject to Sections 111.004 and [~~Section~~] 153.004,
24 Occupations Code, the executive commissioner may adopt rules as
25 necessary to implement this section. In the rules adopted under
26 this section, the executive commissioner shall:

27 (1) refer to the site where the patient is physically

1 located as the patient site; and

2 (2) refer to the site where the physician, dentist, or
3 health professional providing the telemedicine medical service,
4 teledentistry dental service, or telehealth service is physically
5 located as the distant site.

6 (f) Not later than December 1 of each even-numbered year,
7 the commission shall report to the speaker of the house of
8 representatives and the lieutenant governor on the effects of
9 telemedicine medical services, teledentistry dental services,
10 telehealth services, and home telemonitoring services on Medicaid
11 in the state, including the number of physicians, dentists, health
12 professionals, and licensed health care facilities using
13 telemedicine medical services, teledentistry dental services,
14 telehealth services, or home telemonitoring services, the
15 geographic and demographic disposition of the physicians,
16 dentists, and health professionals, the number of patients
17 receiving telemedicine medical services, teledentistry dental
18 services, telehealth services, and home telemonitoring services,
19 the types of services being provided, the cost of utilization, and
20 the cost savings of telemedicine medical services, teledentistry
21 dental services, telehealth services, and home telemonitoring
22 services to Medicaid.

23 (g) The commission shall ensure that a Medicaid managed care
24 organization:

25 (1) does not deny reimbursement for a covered health
26 care service or procedure delivered by a health care provider with
27 whom the managed care organization contracts to a Medicaid

1 recipient as a telemedicine medical service, a teledentistry dental
2 service, or a telehealth service solely because the covered service
3 or procedure is not provided through an in-person consultation;

4 (2) does not limit, deny, or reduce reimbursement for
5 a covered health care service or procedure delivered by a health
6 care provider with whom the managed care organization contracts to
7 a Medicaid recipient as a telemedicine medical service, a
8 teledentistry dental service, or a telehealth service based on the
9 health care provider's choice of platform for providing the health
10 care service or procedure; and

11 (3) ensures that the use of telemedicine medical
12 services, teledentistry dental services, or telehealth services
13 promotes and supports patient-centered medical homes by allowing a
14 Medicaid recipient to receive a telemedicine medical service,
15 teledentistry dental service, or telehealth service from a provider
16 other than the recipient's primary care physician or provider,
17 except as provided by Section 531.0217(c-4), only if:

18 (A) the telemedicine medical service,
19 teledentistry dental service, or telehealth service is provided in
20 accordance with the law and contract requirements applicable to the
21 provision of the same health care service in an in-person setting,
22 including requirements regarding care coordination; and

23 (B) the provider of the telemedicine medical
24 service, teledentistry dental service, or telehealth service gives
25 notice to the Medicaid recipient's primary care physician or
26 provider regarding the [~~telemedicine medical service or~~
27 ~~telehealth~~] service, including a summary of the service, exam

1 findings, a list of prescribed or administered medications, and
2 patient instructions, for the purpose of sharing medical
3 information, provided that the recipient has a primary care
4 physician or provider and the recipient or, if appropriate, the
5 recipient's parent or legal guardian, consents to the notice.

6 (h) The commission shall develop, document, and implement a
7 monitoring process to ensure that a Medicaid managed care
8 organization ensures that the use of telemedicine medical services,
9 teledentistry dental services, or telehealth services promotes and
10 supports patient-centered medical homes and care coordination in
11 accordance with Subsection (g)(3). The process must include
12 monitoring of the rate at which a telemedicine medical service,
13 teledentistry dental service, or telehealth service provider gives
14 notice in accordance with Subsection (g)(3)(B).

15 (i) The executive commissioner by rule shall ensure that a
16 federally-qualified [~~federally-qualified~~] health center as defined
17 by 42 U.S.C. Section 1396d(1)(2)(B) may be reimbursed for the
18 originating site facility fee or the distant site practitioner fee
19 or both, as appropriate, for a covered telemedicine medical
20 service, teledentistry dental service, or telehealth service
21 delivered by a health care provider to a Medicaid recipient. The
22 commission is required to implement this subsection only if the
23 legislature appropriates money specifically for that purpose. If
24 the legislature does not appropriate money specifically for that
25 purpose, the commission may, but is not required to, implement this
26 subsection using other money available to the commission for that
27 purpose.

1 (j) In complying with state and federal requirements to
2 provide access to medically necessary services under the Medicaid
3 managed care program, a Medicaid managed care organization
4 determining whether reimbursement for a telemedicine medical
5 service, teledentistry dental service, or telehealth service is
6 appropriate shall continue to consider other factors, including
7 whether reimbursement is cost-effective and whether the provision
8 of the service is clinically effective.

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

11 Sec. 531.02162. MEDICAID SERVICES PROVIDED THROUGH
12 TELEMEDICINE MEDICAL SERVICES, TELEDENTISTRY DENTAL SERVICES, AND
13 TELEHEALTH SERVICES TO CHILDREN WITH SPECIAL HEALTH CARE NEEDS.

14 SECTION 20. Sections [531.02162](#)(b) and (c), Government Code,
15 are amended to read as follows:

16 (b) The executive commissioner by rule shall establish
17 policies that permit reimbursement under Medicaid and the child
18 health plan program for services provided through telemedicine
19 medical services, teledentistry dental services, and telehealth
20 services to children with special health care needs.

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

22 (1) be designed to:

23 (A) prevent unnecessary travel and encourage
24 efficient use of telemedicine medical services, teledentistry
25 dental services, and telehealth services for children with special
26 health care needs in all suitable circumstances; and

27 (B) ensure in a cost-effective manner the

1 availability to a child with special health care needs of services
2 appropriately performed using telemedicine medical services,
3 teledentistry dental services, and telehealth services that are
4 comparable to the same types of services available to that child
5 without the use of telemedicine medical services, teledentistry
6 dental services, and telehealth services; and

7 (2) provide for reimbursement of multiple providers of
8 different services who participate in a single session of
9 telemedicine medical services, teledentistry dental services,
10 ~~[and]~~ telehealth services, or any combination of those services,
11 ~~[session]~~ for a child with special health care needs, if the
12 commission determines that reimbursing each provider for the
13 session is cost-effective in comparison to the costs that would be
14 involved in obtaining the services from providers without the use
15 of telemedicine medical services, teledentistry dental services,
16 and telehealth services, including the costs of transportation and
17 lodging and other direct costs.

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

20 Sec. 531.02172. REIMBURSEMENT FOR TELEDENTISTRY DENTAL
21 SERVICES. (a) The commission by rule shall require each health and
22 human services agency that administers a part of the Medicaid
23 program to provide Medicaid reimbursement for teledentistry dental
24 services provided by a dentist licensed to practice dentistry in
25 this state.

26 (b) The commission shall require reimbursement for a
27 teledentistry dental service at the same rate as the Medicaid

1 program reimburses for the same in-person dental service. A
2 request for reimbursement may not be denied solely because an
3 in-person dental service between a dentist and a patient did not
4 occur. The commission may not limit a dentist's choice of platform
5 for providing a teledentistry dental service by requiring that the
6 dentist use a particular platform to receive reimbursement for the
7 service.

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

11 (1) ensure that appropriate care, including quality of
12 care, is provided to patients who receive teledentistry dental
13 services; and

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

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

20 Sec. 62.157. TELEMEDICINE MEDICAL SERVICES, TELEDENTISTRY
21 DENTAL SERVICES, AND TELEHEALTH SERVICES FOR CHILDREN WITH SPECIAL
22 HEALTH CARE NEEDS.

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

25 (a) In providing covered benefits to a child with special
26 health care needs, a health plan provider must permit benefits to be
27 provided through telemedicine medical services, teledentistry

1 dental services, and telehealth services in accordance with
2 policies developed by the commission.

3 (b) The policies must provide for:

4 (1) the availability of covered benefits
5 appropriately provided through telemedicine medical services,
6 teledentistry dental services, and telehealth services that are
7 comparable to the same types of covered benefits provided without
8 the use of telemedicine medical services, teledentistry dental
9 services, and telehealth services; and

10 (2) the availability of covered benefits for different
11 services performed by multiple health care providers during a
12 single [~~telemedicine medical services and telehealth services~~]
13 session of telemedicine medical services, teledentistry dental
14 services, telehealth services, or any combination of those
15 services, if the executive commissioner determines that delivery of
16 the covered benefits in that manner is cost-effective in comparison
17 to the costs that would be involved in obtaining the services from
18 providers without the use of telemedicine medical services,
19 teledentistry dental services, and telehealth services, including
20 the costs of transportation and lodging and other direct costs.

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

23 Sec. 62.1571. TELEMEDICINE MEDICAL SERVICES AND
24 TELEDENTISTRY DENTAL SERVICES. (a) In providing covered benefits
25 to a child, a health plan provider must permit benefits to be
26 provided through telemedicine medical services and teledentistry
27 dental services in accordance with policies developed by the

1 commission.

2 (b) The policies must provide for:

3 (1) the availability of covered benefits
4 appropriately provided through telemedicine medical services and
5 teledentistry dental services that are comparable to the same types
6 of covered benefits provided without the use of telemedicine
7 medical services and teledentistry dental services; and

8 (2) the availability of covered benefits for different
9 services performed by multiple health care providers during a
10 single session of telemedicine medical services, teledentistry
11 dental services, or both services, if the executive commissioner
12 determines that delivery of the covered benefits in that manner is
13 cost-effective in comparison to the costs that would be involved in
14 obtaining the services from providers without the use of
15 telemedicine medical services or teledentistry dental services,
16 including the costs of transportation and lodging and other direct
17 costs.

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

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

23 CHAPTER 1455. TELEMEDICINE, TELEDENTISTRY, AND TELEHEALTH

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

27 (1) "Dentist" means a person licensed to practice

1 dentistry in this state under Subtitle D, Title 3, Occupations
2 Code.

3 (1-a) "Health professional" means:

4 (A) a physician;

5 (B) an individual who is:

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

8 (ii) authorized to assist:

9 (a) a physician in providing
10 telemedicine medical services that are delegated and supervised by
11 the physician; or

12 (b) a dentist in providing
13 teledentistry dental services that are delegated and supervised by
14 the dentist;

15 (C) a licensed or certified health professional
16 acting within the scope of the license or certification who does not
17 perform a telemedicine medical service or a teledentistry dental
18 service; or

19 (D) a dentist.

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

23 SECTION 27. Section 1455.004, Insurance Code, is amended to
24 read as follows:

25 Sec. 1455.004. COVERAGE FOR TELEMEDICINE MEDICAL SERVICES,
26 TELEDENTISTRY DENTAL SERVICES, AND TELEHEALTH SERVICES. (a) A
27 health benefit plan:

1 (1) must provide coverage for a covered health care
2 service or procedure delivered by a preferred or contracted health
3 professional to a covered patient as a telemedicine medical
4 service, teledentistry dental service, or telehealth service on the
5 same basis and to the same extent that the plan provides coverage
6 for the service or procedure in an in-person setting; and

7 (2) may not:

8 (A) exclude from coverage a covered health care
9 service or procedure delivered by a preferred or contracted health
10 professional to a covered patient as a telemedicine medical
11 service, a teledentistry dental service, or a telehealth service
12 solely because the covered health care service or procedure is not
13 provided through an in-person consultation; and

14 (B) subject to Subsection (c), limit, deny, or
15 reduce coverage for a covered health care service or procedure
16 delivered as a telemedicine medical service, teledentistry dental
17 service, or telehealth service based on the health professional's
18 choice of platform for delivering the service or procedure.

19 (b) A health benefit plan may require a deductible, a
20 copayment, or coinsurance for a covered health care service or
21 procedure delivered by a preferred or contracted health
22 professional to a covered patient as a telemedicine medical
23 service, a teledentistry dental service, or a telehealth service.
24 The amount of the deductible, copayment, or coinsurance may not
25 exceed the amount of the deductible, copayment, or coinsurance
26 required for the covered health care service or procedure provided
27 through an in-person consultation.

1 (b-1) Subsection (b) does not authorize a health benefit
2 plan to charge a separate deductible that applies only to a covered
3 health care service or procedure delivered as a telemedicine
4 medical service, teledentistry dental service, or telehealth
5 service.

6 (c) Notwithstanding Subsection (a), a health benefit plan
7 is not required to provide coverage for a telemedicine medical
8 service, a teledentistry dental service, or a telehealth service
9 provided by only synchronous or asynchronous audio interaction,
10 including:

- 11 (1) an audio-only telephone consultation;
- 12 (2) a text-only e-mail message; or
- 13 (3) a facsimile transmission.

14 (d) A health benefit plan may not impose an annual or
15 lifetime maximum on coverage for covered health care services or
16 procedures delivered as telemedicine medical services, teledentistry dental services, or telehealth services other than
17 the annual or lifetime maximum, if any, that applies in the
18 aggregate to all items and services and procedures covered under
19 the plan.

21 SECTION 28. Section 1455.006, Insurance Code, is amended to
22 read as follows:

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

25 (a) Each issuer of a health benefit plan shall adopt and display in
26 a conspicuous manner on the health benefit plan issuer's Internet
27 website the issuer's policies and payment practices for

1 telemedicine medical services, teledentistry dental services, and
2 telehealth services.

3 (b) This section does not require an issuer of a health
4 benefit plan to display negotiated contract payment rates for
5 health professionals who contract with the issuer to provide
6 telemedicine medical services, teledentistry dental services, or
7 telehealth services.

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

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

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

13 (A) rules necessary to implement Chapter 111,
14 Occupations Code, as amended by this Act; and

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

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

20 SECTION 30. If before implementing any provision of this
21 Act a state agency determines that a waiver or authorization from a
22 federal agency is necessary for implementation of that provision,
23 the agency affected by the provision shall request the waiver or
24 authorization and may delay implementing that provision until the
25 waiver or authorization is granted.

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

S.B. No. 488

1 (b) Sections [1455.004](#) and [1455.006](#), Insurance Code, as
2 amended by this Act, take effect January 1, 2022.