

## **BILL ANALYSIS**

H.B. 1390  
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Insurance  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In March of 2020, Governor Abbott issued an executive order waiving certain regulations for telemedicine care in Texas and directed the Texas Department of Insurance to issue an emergency rule relating to telemedicine care for patients with state-regulated insurance plans to help doctors across Texas continue to treat their patients while mitigating the spread of COVID-19. Ensuring continued access to telemedicine care, particularly with regard to mental health services, is important for many Texans who for a variety of reasons may be unable to obtain in-person care. H.B. 1390 seeks to require certain health benefit plans to cover mental health services provided via telemedicine on the same basis as those services are covered in an in-person setting.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1390 amends the Insurance Code to require a health benefit plan offered by an approved nonprofit health corporation that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness to cover telemedicine medical services and telehealth services provided by an individual who is credentialed to provide qualified mental health professional community services, to be provided on the same basis and to the same extent as the coverage provided for the service or procedure in an in-person setting. The coverage requirement is contingent on the individual having demonstrated and documented competency in the work to be performed and on satisfying one of the following conditions:

- holding a bachelor's or more advanced degree from an accredited institution of higher education with a minimum number of hours that is equivalent to a major in one of the qualifying disciplines set out by the bill;
- being a registered nurse; or
- completing an alternative credentialing process identified by the Health and Human Services Commission.

The bill specifies, with respect to the similar coverage requirement under current law for services or procedures provided by an individual who is a licensed or certified health professional acting within the scope of the license or certification who does not perform a telemedicine medical service or a teledentistry dental service, the requirement applies to a mental health professional. These provisions apply only to a health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2024.

H.B. 1390 amends the Occupations Code to prohibit the Texas State Board of Pharmacy from requiring the in-person counseling of patients as part of its minimum standards for procedures for the counseling of patients on proper use of a prescription drug or device in the practice of pharmacy.

**EFFECTIVE DATE**

September 1, 2023.