88R747 BEE-D

By:  Shaheen H.B. No. 592

A BILL TO BE ENTITLED

AN ACT

relating to the provision of telehealth and telemedicine medical services by certain health professionals located outside of this state; requiring registration to engage in an occupation; authorizing fees.

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

SECTION 1.  Sections 1455.001(1-a) and (2), Insurance Code, are amended to read as follows:

(1-a)  "Health professional" means:

(A)  a physician;

(B)  an individual who is:

(i)  licensed or certified in this state or by a licensing agency in another state to perform health care services; and

(ii)  authorized to assist[~~:~~

[~~(a)~~]  a physician in providing telemedicine medical services that are delegated and supervised by the physician; [~~or~~

[~~(b)  a dentist in providing teledentistry dental services that are delegated and supervised by the dentist;~~]

(C)  an individual who is:

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

(ii)  authorized to assist a dentist in providing teledentistry dental services that are delegated and supervised by the dentist;

(D) [~~(C)~~]  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; or

(E) [~~(D)~~]  a dentist.

(2)  "Physician" means a person licensed to practice medicine in this state under Subtitle B, Title 3, Occupations Code, or by a licensing agency in another state.

SECTION 2.  Sections 111.001(3) and (4), Occupations Code, are amended to read as follows:

(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 scope of the health professional's license, certification, or entitlement to a patient at a different physical location than the health professional using telecommunications or information technology.

(4)  "Telemedicine medical service" means a health care service delivered by a physician [~~licensed in this state~~], or a health professional acting under the delegation and supervision of a physician [~~licensed in this state~~], and acting within the scope of the physician's or health professional's license to a patient at a different physical location than the physician or health professional using telecommunications or information technology.

SECTION 3.  Chapter 111, Occupations Code, is amended by adding Section 111.010 to read as follows:

Sec. 111.010.  PROVISION OF TELEHEALTH OR TELEMEDICINE MEDICAL SERVICE BY HEALTH PROFESSIONAL LOCATED OUTSIDE OF STATE. (a) In this section:

(1)  "Commission" means the Texas Commission of Licensing and Regulation.

(2)  "Department" means the Texas Department of Licensing and Regulation.

(b)  Notwithstanding any other law requiring licensure or certification in this state, a health professional located outside of this state who does not hold a license or certification issued by an agency of this state may provide a telehealth or telemedicine medical service under this chapter if the health professional:

(1)  holds a current and unrestricted license or certification authorizing the health professional to provide the service and that is issued by a licensing agency of another state;

(2)  has not been and is not currently the subject of a disciplinary proceeding with respect to the license or certification described by Subdivision (1); and

(3)  registers with the applicable licensing agency of this state as provided by this section.

(c)  The agency of this state responsible for regulating the performance of a health care service in this state or the department, if no agency of this state is responsible for regulating the performance of the service in this state, shall:

(1)  register a health professional described by Subsection (a) to provide telehealth or telemedicine medical services to patients in this state if the health professional:

(A)  submits an application to the agency or department, as applicable, in the format required by agency or commission rule, as applicable; and

(B)  pays a registration fee established by rule by the agency or commission, as applicable; and

(2)  adopt rules necessary to implement this section.

(d)  A rule adopted under Subsection (c)(2) must provide that a health professional who provides a telehealth or telemedicine medical service under this section shall:

(1)  comply fully with all applicable laws of this state, including scope of practice, telehealth or telemedicine requirements, and standards of care;

(2)  maintain liability insurance in accordance with the laws of this state, as applicable;

(3)  consent to the jurisdiction of this state's courts for any litigation arising from the provision of a telehealth or telemedicine medical service under this section; and

(4)  be subject to investigation and disciplinary action for a violation of a rule adopted under Subsection (c)(2), including the referral of the violation to the licensing agency in the state that issued the license to the health professional.

SECTION 4.  Section 1455.001, Insurance Code, as amended by this Act, applies only to a health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2024. A health benefit plan delivered, issued for delivery, or renewed before January 1, 2024, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5.  This Act takes effect September 1, 2023.