

Texas

Medicaid Program: Texas Medicaid

Program Administrator: Texas Health and Human Services Commission

Regional Telehealth Resource Center: TexLa Telehealth Resource Center

Covers the States of: Louisiana and Texas

<http://www.texlatrc.org>

Medicaid Telehealth Reimbursement

Summary

Texas Medicaid reimburses for live video and store-and-forward in some circumstances. Home telemonitoring is reimbursable for some conditions when a provider is approved to deliver those services.

Definitions

“Telehealth service” means a health service, other than a telemedicine medical service, that is delivered by a licensed or certified health professional acting within the scope of the health professional’s license or certification who does not perform a telemedicine medical service and that requires the use of advanced telecommunications technology, other than telephone or facsimile technology, including:

- Compressed digital interactive video, audio, or data transmission;
- Clinical data transmission using computer imaging by way of still-image capture and store-and-forward; and
- Other technology that facilitates access to health care services or medical specialty expertise.

Source: TX Admin. Code, Title 1 Sec. 354.1430(10) & TX Medicaid Telecommunication Services Handbook, pg. 9, (Accessed Sept. 2018).

“Telehealth Service” means a health service, other than a telemedicine medical 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.

Source: TX Government Code, Sec. 531.001(7). (Accessed Sept. 2018).

Telemedicine is defined as a health-care service that is either initiated by a physician who is licensed to practice medicine in Texas or provided by a health professional who is acting under physician delegation and supervision. Telemedicine is provided for the purpose of the following:

- Client assessment by a health professional
- Diagnosis, consultation or treatment by a physician
- Transfer of medical data that requires the use of advanced telecommunications technology, other than telephone or facsimile, including the following: (1) Compressed digital interactive video, audio or data transmission, (2) clinical data transmission using computer imaging by way of still-image and store-and-forward; and (3) Other technology that facilitates access to health-care services or medical specialty expertise.

Source: TX Admin. Code, Title 1 Sec. 354.1430(10) & TX Medicaid Telecommunication Services Handbook, pg. 5, (Accessed Sept. 2018).

“Telemedicine medical service” means a health care service that is initiated by a physician or provided by a health professional acting under physician delegation and supervision, that is provided for purposes of patient assessment by a health professional, diagnosis or consultation by a physician, or treatment, or for the transfer of medical data, and that requires the use of advanced telecommunications technology, other than telephone or facsimile technology, including:

- Compressed digital interactive video, audio, or data transmission;
- Clinical data transmission using computer imaging by way of still-image capture and store-and-forward; and
- Other technology that facilitates access to health care services or medical specialty expertise.

Source: TX Admin. Code, Title 1 Sec. 354.1430 (11). (Accessed Sept. 2018).

“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 location than the physician or health professional using telecommunications or information technology.

Source: Source: TX Government Code, Sec. 531.001(8). (Accessed Sept. 2018).

Home telemonitoring is “a health service that requires scheduled remote monitoring of data related to a patient’s health and transmission of the data to a licensed home health agency or a hospital”.

Source: TX Government Code, Sec. 531.001(4-a). (Accessed Sept. 2018).

Telemedicine medical services are defined as healthcare services delivered by a physician licensed in Texas; and health care services delivered by a health professional acting within the scope of the physician’s or health professional’s license to a patient at a different location than the physician or health professional using telecommunications or information technology.

Telehealth services are defined as health-care services, other than telemedicine medical services, delivered by a health professional licensed, certified or otherwise entitled to practice in Texas and acting within the scope of the health professional’s license, certification or entitlement to a patient at a different physical location other than the health professional using telecommunications or information technology.

Source: Telemedicine and Telehealth Services Benefit Policy Update. Effective Oct. 1, 2018. Information provided Aug. 17, 2018. (Accessed Sept. 2018).

Synchronous audiovisual interaction is reimbursable under Texas Medicaid.

Source: Telemedicine and Telehealth Services Benefit Policy Update. Effective Oct. 1, 2018. Information provided Aug. 17, 2018. (Accessed Sept. 2018).

Provider reimbursement for telemedicine services must be in the same manner as in-person services.

Source: TX Admin. Code, Title 1 Sec. 355.7001. (Accessed Sept. 2018).

Telemedicine: Texas health and human services agencies that administer a part of Medicaid are required to provide Medicaid reimbursement for a telemedicine service initiated or provided by a physician. Reimbursement is provided only for a telemedicine medical service initiated or provided by a physician.

Telemedicine services may not be required if an in-person consultation with a physician is reasonably available where the patient resides or works.

Telemedicine providers must make a good-faith effort to identify and coordinate with existing providers, to preserve and protect existing health care systems and medical relationships in an area.

With patient consent, the primary care provider must be notified of the telemedicine medical service for the purpose of sharing medical information. The notification must include a summary of the service, including exam findings, prescribed or administered medications, and patient instructions. If the patient is seen in a school-based setting and does not have a primary care provider, the patient's parent or legal guardian must receive the notification.

Medicaid reimbursement is provided to a physician for a telemedicine medical service provided by the physician, even if the physician is not the patient's primary care physician or provider, if:

- The physician is an authorized health care provider under Medicaid;
- The patient is a child who receives the services in a primary or secondary school-based setting;
- The parent or legal guardian of the patient provides consent before the services is provided; and
- A health professional is present with the patient during the treatment.

Source: TX Govt. Code Sec. 531.0217. (Accessed Sept. 2018).

For new conditions, the patient site presenter must be readily available (in the same room or in a proximity determined by the professional providing the telemedicine service) on site at the established medical site to assist with care. Patient site presenter not required for mental health services (except in cases of behavioral emergencies).

Source: TX Medicaid Telecommunication Services Handbook, pg. 7. (Accessed Sept. 2018).

See provider manual for special rules for Texas Health Steps program.

Telehealth: Before receiving a telehealth service, the patient must receive an initial evaluation for the same diagnosis or condition by a physician or other qualified healthcare

professional licensed in Texas which can be performed in-person or as a telemedicine visit that conforms to 22 TAC Ch. 174. A patient receiving telehealth services must be evaluated annually by a physician or other healthcare professional (in person or via a telemedicine visit) to determine if the patient has a continued need for the service. Exception for patients receiving telehealth services to treat a mental health diagnosis or condition.

Source: TX Admin. Code, Title 1, Sec. 354.1432 & TX Medicaid Telecommunication Services Handbook, pg. 9 (Accessed Sept. 2018).

Telemedicine

Texas Medicaid reimburses for live video for the following services provided through telemedicine:

- Consultations;
- Office or other outpatient visits;
- Psychiatric diagnostic interviews;
- Pharmacologic management;
- Psychotherapy;
- Data transmission;
- Supportive encounters for persons with intellectual disabilities or related conditions.

Source: TX Admin. Code, Title 1, Sec. 354.1432. & TX Medicaid Behavioral Health and Case Management Svcs. Handbook, pg. 2018). (Accessed Sept. 2018).

Telehealth

Texas Medicaid reimburses for live video for codes specified in the TX Medicaid Provider

Procedures Manual. See individual manuals for reimbursable services provided through telehealth.

More than one medically necessary telemedicine or telehealth service may be reimbursed for the same date and same place of service if the services are billed by providers of different specialties.

Source: TX Medicaid Telecommunication Services Handbook, pg. 4, (Accessed Sept. 2018).

Telemedicine eligible distant site providers:

- Physician
- Certified Nutrition Specialist (CNS)
- Nurse Practitioner (NP)
- Advanced Practice Registered Nurse (APRNs)
- Physician Assistant (PA)
- Certified Nurse Midwife (CNM)

A distant site provider is the physician, or PA, NP or CNS who is supervised by and has delegated authority from a licensed Texas physician who uses telemedicine to provide health care services in Texas. Hospitals may also serve as the distant site provider.

Source: TX Medicaid Telecommunication Services Handbook, pg. 6. (Accessed Sept. 2018). & TX Admin Code. Title 1, Sec. 354.7001.

Telehealth eligible distant site providers:

- Licensed professional counselors
- Licensed marriage and family therapist (LMFT)
- Licensed clinical social worker (LCSW)
- Licensed psychologist
- Licensed psychological associate
- Provisionally licensed psychologist
- Licensed dietician
- Durable medical equipment suppliers

Source: TX Medicaid Telecommunication Services Handbook, pg. 10. (Accessed Sept. 2018). & TX Admin Code. Title 1, Sec. 355.7001.

A distant site provider is a physician, physician assistant, nurse practitioner, or clinical nurse specialist who is supervised and has delegated authority from a licensed Texas physician.

Source: Telemedicine and Telehealth Services Benefit Policy Update. Effective Oct. 1, 2018. Information provided Aug. 17, 2018. (Accessed Sept. 2018).

Telemedicine/Telehealth eligible originating (patient) sites:

- An established medical site
- A state mental health facility
- State supported living centers

A patient's home is not an established medical site, except when services are limited to mental health services delivered through telemedicine. For medical services the following

A patient site presenter is present
requirements must be met to be provided in the clients' home:
There is a defined physician-client relationship

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- The technology is adequate to allow for a real time physical exam
- The physical exam is held to the same standards as in the traditional medical setting.

TX Medicaid is required to reimburse school districts or open enrollment charter schools for telehealth services delivered by a health professional even if the specialist is not the patient's primary care provider if the school district or charter school is an authorized health care provider under Medicaid and the parent or guardian of the patient consents.

Source: TX Medicaid Telecommunication Services Handbook, pg. 11. (Accessed Sept. 2018). & TX Admin Code, Title 1, Sec. 354.1432.

A health professional is defined as:

- Licensed social worker, occupational therapist or speech language pathologist
- Licensed professional counselor
- Licensed marriage and family therapist
- Licensed specialist in school psychology.

Source: TX Government Code Sec. 531.02171.

Services may take place in a school-based setting if:

- The physician is an authorized health care provider under Medicaid;
- The patient is a child who receives the service in a primary or secondary school-based setting;
- The parent or legal guardian of the patient provides consent before the service is provided; and
- A health professional is present with the patient during treatment.

Source: TX Bill HB 1878(2015); TX Admin. Code, Title 1, Sec. 355.7001; & TX Admin. Code, Title 1, Sec. 354.1432. (Accessed Sept. 2018).

A patient's home may be the patient site for telemedicine medical services or telehealth services. Patient site presenters must be enrolled in Texas Medicaid to be eligible for reimbursement for the patient-site facility fee for telemedicine medical services. The use of telemedicine medical services within intermediate care facilities for individuals

established by HHSC. with intellectual disabilities and/or State Supported Living Centers is subject to the policies

Source: Telemedicine and Telehealth Services Benefit Policy Update. Effective Oct. 1, 2018. Information provided Aug. 17, 2018. (Accessed Sept. 2018).

Other Sites

car site, the following apply:

For telemedicine medical services that are provided at a site other than an established medi-

- Patient-site presenters are not required for pre-existing conditions previously diagnosed by a physician through a face-to-face visit
- All clients must be seen by a physician for an in-person evaluation at least once a year
- Telemedicine medical services may not be used to treat chronic pain with scheduled drugs

A distant site provider may treat an established client's new symptoms that are unrelated to the patient's pre-existing condition, however the client must be advised to see a physician face-to-face within 72 hours. They cannot continue to be treated if they have not seen a physician within 72 hours.

medical site for a previously diagnosed medical condition must:

A distant site provider who provides telemedicine services at a site other than an established

- See the client one time in a face-to-face visit before providing telemedicine medical care.
- See the client without an initial face-to-face visit as long as the client has received an in-person evaluation by another physician who has referred the client for additional care and the referral is documented in the medical record.

Source: TX Medicaid Telecommunication Services Handbook, pg. 8-9, (Accessed Sept. 2018).

No reference found.

Medicaid Telehealth Reimbursement

Live Video	Facility/Transmission Fee	<p>Telemedicine patient site locations are reimbursed a facility fee. It is not a benefit if the patient location is the client's home.</p> <p>Source: TX Admin. Code, Title 1 Sec. 355.7001 & TX Medicaid Telecommunication Services Handbook, pg. 7 (Accessed Sept. 2018).</p> <p>There is distant-site physician reimbursement for assessment and evaluation office visit if the medical condition, illness, or injury for which the patient is receiving the service is not likely, within a reasonable degree of medical certainty, to undergo material deterioration within the 30-day period following the visit.</p> <p>Source: TX Govt. Code Sec. 531.0217(c-1).</p> <p>Patient site providers must be enrolled in Texas Medicaid to be eligible for reimbursement for the patient site facility fee.</p>
	Policy	<p>Asynchronous store-and-forward technology, including asynchronous store-and-forward technology in conjunction with synchronous audio interaction between the distant site provider and the patient in another location is reimbursable under Texas Medicaid. The distant site provider would need to use one of the following:</p> <ul style="list-style-type: none"> Clinically relevant photographic or video images, including diagnostic images The patient's relevant medical records, such as medical history, laboratory and pathology results, and prescriptive histories Other forms of audiovisual telecommunication technologies that allow the distant site provider to meet the in-person visit standard of care <p>Source: Telemedicine and Telehealth Services Benefit Policy Update. Effective Oct. 1, 2018. Information provided Aug. 17, 2018. (Accessed Sept. 2018).</p> <p>TX Medicaid Manual states that telemedicine and telehealth services only "involve direct face-to-face interactive video communication between the client and the distant-site provider."</p> <p>Source: TX Medicaid Telecommunication Services Handbook, pg. 4, (Accessed Sept. 2018).</p> <p>TX Administrative Code the Medicaid Telecommunications Services Handbook include definitions of "Telemedicine Medical Service," "Telehealth Services" and "Telemedicine" which encompasses store-and-forward, stating that it includes "clinical data transmission using computer imaging by way of still-image capture and store-and-forward".</p> <p>Source: TX Admin. Code, Title 1 Sec. 354.1430(10) & TX Medicaid Telecommunication Services Handbook, pg. 5 & 9, (Accessed Sept. 2018).</p> <p>Provider reimbursement must be the same as in-person services.</p> <p>Source: TX Admin. Code, Title 1 Sec. 355.7001. (Accessed Sept. 2018).</p>
	Eligible Services/Specialties	No reference found.

Medicaid Telehealth Reimbursement

Store-and-Forward	Geographic Limits	No reference found.
	Transmission Fee	No reference found.
Remote Patient Monitoring	Policy	<p>Texas Medicaid will reimburse for home telemonitoring in the same manner as their other professional services provided by a home health agency.</p> <p>Source: TX Admin Code, Title 1, Sec. 355.7001(3)(e). (Accessed Sept. 2018).</p> <p>Online evaluation and management for home telemonitoring services is a benefit in the office or outpatient hospital setting when services are provided by a nurse practitioner, clinical nurse specialist, physician assistant or physician provider.</p> <p>Scheduled periodic reporting of client data is required by a registered nurse, nurse practitioner, clinical nurse specialist, or physician assistant who is responsible for reporting data to the prescribing physician even when there have been no readings outside the parameters established in the physician's orders.</p> <p>The procedure code is limited to once per seven days.</p> <p>Scheduled periodic reporting of client data to the physician is required.</p> <p>Setup and daily monitoring is reimbursed when provided by a home health agency or outpatient hospital.</p> <p>There must be prior authorization from TX Medicaid for home telemonitoring. Clients must be diagnosed with diabetes or hypertension and exhibit two or more risk factors (see regulations).</p> <p>Source: TX Medicaid Telecommunication Services Handbook, pg. 11-14, (Accessed Sept. 2018).</p> <p>The home health agency must maintain extensive documentation in the patient's medical record.</p> <p>Daily home monitoring is a benefit when services are provided by a home health agency or an outpatient hospital and is available for up to 60 days per prior authorization request.</p> <p>Source: TX Medicaid Telecommunication Services Handbook, pg. 12-14, (Accessed Sept. 2018).</p> <p>Notwithstanding any other law, providers may not receive reimbursement under Medicaid for the provision of home telemonitoring services on or after September 1, 2019.</p> <p>Source: TX Government Code. Sec. 531.02176. (Accessed Sept. 2018).</p>

Medicaid Telehealth Reimbursement

Remote Patient Monitoring	Conditions	<p>Home Telemonitoring is available only to patients who:</p> <ul style="list-style-type: none"> • Are diagnosed with diabetes, hypertension; or • When it is determined by Texas Health and Human Services Commission to be cost effective and feasible the following conditions are also included: pregnancy, heart disease, cancer, chronic obstructive pulmonary disease, congestive heart failure, mental illness, asthma, myocardial infarction or stroke. <p>Source: TX Admin Code. Title 1, Sec. 354.1434 & TX Medicaid Telecommunication Services Handbook, pg. 9, & TX Government Code Sec. 531.02164. (Accessed Sept. 2018).</p>
	Provider Limitations	<p>Providers must be enrolled and approved as home telemonitoring services providers.</p> <p>Source: TX Admin Code. Title 1, Sec. 354.1434 & TX Medicaid Telecommunication Services Handbook, pg. 3 & 12, (Accessed Sept. 2018).</p>
	Other Restrictions	<p>Patients that meet the condition criteria must exhibit two or more of the following risk factors:</p> <ul style="list-style-type: none"> • Two or more hospitalizations in the prior 12-month period; • Frequent or recurrent emergency room admissions; • A documented history of poor adherence to ordered medication regimens; • A documented history of falls in the prior six-month period; • Limited or absent informal support system; • Living alone or being home alone for extended periods of time; and • A documented history of care access challenges. <p>Source: TX Admin Code. Title 1, Sec. 354.1434 & TX Medicaid Telecommunication Services Handbook, pg. 12-13, (Accessed Sept. 2018).</p>
Email / Phone / Fax		<p>No reimbursement for email. No reimbursement for FAX. No reimbursement for telephone. No reimbursement for chart review.</p> <p>Source: TX Medicaid Telecommunication Services Handbook, pg. 4, (Accessed Sept. 2018).</p> <p>Telemedicine medical services that are provided through only synchronous or asynchronous audio interactions including telephone, email and facsimile, although they may optionally use video.</p> <p>Source: Telemedicine and Telehealth Services Benefit Policy Update. Effective Oct. 1, 2018. Information provided Aug. 17, 2018. (Accessed Sept. 2018).</p>

Consent

Written or verbal consent must be obtained to allow any other individual (besides the distant site provider, patient site presenter or representative) to be present during a telemedicine or telehealth visit.

A good faith effort must be made to obtain written acknowledgement of notification of privacy practices, when communicating via email or other electronic method.

Before providing services, distant site providers who use telemedicine medical services must give their clients notice regarding telemedicine medical services, including the risks and benefits of being treated via telemedicine, how to receive follow-up care or assistance in the event of an adverse reaction to the treatment or in the event of an inability to communicate as a result of a technological or equipment failure. A signed and dated notice, including an electronic acknowledgment, by the client establishes a presumption of notice.

Source: TX Medicaid Telecommunication Services Handbook, pg. 5-6 (Accessed Sept. 2018).

The distant site must obtain informed consent.

A parent must provide written or verbal consent to the distant site provider to allow any other individual, other than the health professional as required by Texas Government Code §531.0217(c-4)(4) for school-based telemedicine medical services, to be physically present in the distant or patient site environment during a telemedicine medical service with a child.

Source: Telemedicine and Telehealth Services Benefit Policy Update. Effective Oct. 1, 2018. Information provided Aug. 17, 2018. (Accessed Sept. 2018).

Out of State Providers

An out-of-state physician who is a distant site provider may provide episodic telemedicine medical services without a Texas medical license as outlined in Texas Statute and Regulation.

Distant site providers that provide mental health services must be appropriately licensed or certified in Texas or be a qualified mental health professional community services (QMP-CS).

Source: Telemedicine and Telehealth Services Benefit Policy Update. Effective Oct. 1, 2018. Information provided Aug. 17, 2018. (Accessed Sept. 2018).

Miscellaneous

Telemedicine medical services provided at an established medical site may be used for all client visits, including evaluations to establish a defined physician-client relationship between a distant site provider and a client.

Source: TX Medicaid Telecommunication Services Handbook, pg. 7, (Accessed Sept. 2018).

Children's Health Insurance Program

Allows reimbursement for live video telemedicine and telehealth services to children with special health care needs.

Source: TX Govt. Code Sec. 531.02162. (Accessed Sept. 2018).

Must use the "95" modifier for telemedicine/telehealth services (except for services that already indicate remote delivery in the description). See manual for codes that can be billed with the "95" modifier.

Source: TX Medicaid Telecommunication Services Handbook, pg. 6 (Accessed Sept. 2018).

The software system used by the distant site and originating site (when patient presenter is used) must allow secure authentication of the distant site provider and the client.

See provider manual for other information security and documentation requirements.

Source: TX Medicaid Telecommunication Services Handbook, pg. 5 (Accessed Sept. 2018).

Fees for telemedicine, telehealth and home telemonitoring services are adjusted within available funding.

Source: TX Admin Code. 355.7001. (Accessed Sept. 2018).

Telehealth eligible originating site presenter:

- An individual who is licensed or certified in Texas to perform health care services
- A qualified mental health professional

A telepresenter is required at the originating site for both telemedicine and telehealth, unless the services relate to mental health. In that situation a patient-site presenter does not have to be readily available unless the client is in a danger to himself/herself or others.

Source: TX Medicaid Telecommunication Services Handbook, pg. 7-8 (Accessed Sept. 2018).

A valid practitioner-patient relationship must exist between the distant site provider and patient. The relationship exists if the distant site provider meets the same standard of care required for an in-person service. A relationship is established through in-person services, through telemedicine medical services that meets the delivery modality requirements in TX Occupations Code Sec. 111.005(a)(3); or through the current telemedicine medical service. The relationship can be established through a call coverage agreement established in accordance with the Texas Medical Board rules.

Distant site providers should provide appropriate written notification of the physician's privacy practices to patients upon request.

A distant site provider may issue a valid prescription as part of a telemedicine medical service. If it is for a controlled substance, further requirements apply.

All patient health information generated or utilized during a telemedicine medical service must be stored by the distant site provider in a patient health record. If the distant site provider stores the patient health information in an electronic health record, the provider should use software that complies with Health Insurance Portability and Accountability Act (HIPAA) confidentiality and data encryption requirements, as well as with HHS rules implementing HIPAA.

Documentation for a service provided via telemedicine must be the same as for a comparable in-person service.

If a patient has a primary care provider who is not the distant site provider and the patient or their parent or legal guardian provides consent to a release of information, a distant site provider must provide the patient's primary care provider with the following information:

- A medical record or report with an explanation of the treatment provided by the distant site provider
- The distant site provider's evaluation, analysis, or diagnosis of the patient

Unless the telemedicine medical services are rendered to a child in a school-based setting, distant

site providers of mental health services are not required to provide the patient's primary care provider with a treatment summary. For telemedicine medical services provided to a child in a school-based setting, a notification provided by the telemedicine medical services physician to the child's primary care provider must include a summary of the service, exam findings, prescribed or administered medications, and patient instructions.

Source: Telemedicine and Telehealth Services Benefit Policy Update. Effective Oct. 1, 2018. Information provided Aug. 17, 2018. (Accessed Sept. 2018).

Private Payer Laws

Definitions

“Telehealth service” means a health service, other than a telemedicine medical 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.

“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.

Source: TX Insurance Code 1455.001. (Accessed Sept. 2018).

Requirements

Each issuer of a health benefit plan must adopt and display in a conspicuous manner on their website the policies and payment practices for telemedicine medical services and telehealth services. They, however, are not required to list payment rates.

Source: TX Insurance Code 1455.0006. (Accessed Sept. 2018).

Worker’s Compensation

A health care provider must bill for telemedicine and telehealth services according to Medicare payment policies as defined in Section 134.203 in the Texas Administrative Code; and provisions of the Texas Administrative Code, Insurance Title. A health care provider may bill and be reimbursed for telemedicine or telehealth services regardless of where the injured employee is located at the time the telemedicine or telehealth services are provided.

Source: 28 TAC 2.133. (Accessed Sept. 2018).

Parity

Service Parity

Prohibits a health benefit plan from excluding from coverage a service delivered as a telemedicine medical service or a telehealth service solely because the service is not provided in-person. A health plan is not required to provide coverage for services provided by only synchronous or asynchronous audio interaction including audio-only telephone; email or facsimile.

Source: TX Insurance Code 1455.004 & .005 (SB 1107 – 2017). (Accessed Sept. 2018).

Payment Parity

A health plan may require a deductible, a copayment, or coinsurance for a covered health care service or procedure delivered as a telemedicine medical service or a telehealth service, however the amount of the deductible, copayment or coinsurance may not exceed the amount of the deductible, copayment, or coinsurance required for the same service provided through an in-person consultation.

Source: TX Insurance Code Sec. 1455.00(b)4. (Accessed Sept. 2018).

Definitions

Telehealth service means a health service, other than a telemedicine medical 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.

Telemedicine 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.

Source: TX Occupations Code 111.001 (SB 1107 – 2017). (Accessed Sept. 2018).

Speech-Language Pathology and Audiology

Telehealth is "the use of telecommunications and information technologies for the exchange of information from one site to another for the provision of speech-language pathology or audiology services to to a client from a provider."

Telehealth services--The application of telecommunication technology to deliver speech-language pathology and/or audiology services at a distance for assessment, intervention, and/or consultation.

Telepractice--The use of telecommunications technology by a license holder for an assessment, intervention, or consultation regarding a speech-language pathology or audiology client.

Telepractice services--The rendering of audiology and/or speech-language pathology services through telepractice to a client who is physically located at a site other than the site where the provider is located.

Source: TX Admin. Code, Title 40 Ch. 16 Sec. 111.120. (Accessed Sept. 2018).

Occupational Therapy

Telehealth is a "mode of service delivery for the provision of occupational therapy services delivered by an occupational therapy practitioner to a client at a different physical location using telecommunications or information technology. Telehealth refers only to the practice of occupational therapy by occupational therapy practitioners who are licensed by this Board with clients who are located in Texas at the time of the provision of occupational therapy services. Also may be known as other terms including but not limited to telepractice, telecare, telerehabilitation, and e-health services."

Source: TX Admin. Code, Title 40 Sec. 362.1(39). (Accessed Sept. 2018).

Consent

Consent required prior to telemedicine or telehealth services.

Either originating or distant site health professionals shall obtain this consent.

For a child receiving telemedicine services in a primary school-based setting, advance parent or legal guardian consent must be obtained.

Source: TX Occupational Code Sec. 111.002. & TX Admin. Code, Title 1, Sec. 354.1432. (2016). (Accessed Sept. 2018).

A valid practitioner-patient relationship is present between a practitioner providing a telemedicine medical service and a patient receiving the telemedicine medical service as long as the practitioner complies with the same standard of care as would apply in an in-person setting, and complies with one of the following scenarios:

- Has a preexisting practitioner-patient relationship with the patient established;
- Communicates, regardless of the method of communication, with the patient pursuant to a call coverage agreement established in accordance with Texas Medical Board rules with a physician requesting coverage of medical care for the patient; or
- Provides the telemedicine medical services through the use of one of the following methods, as long as the practitioner complies with follow-up requirements and the method allows the practitioner to have access to the relevant clinical information that would be required to meet the standard of care.
 - Synchronous audiovisual interaction
 - Asynchronous store-and-forward technology, including in conjunction with synchronous audio interaction, as long as practitioner uses relevant clinical information from clinically relevant photographic or video images, or the patient's relevant medical records
 - Another form of audiovisual telecommunication technology that allows the practitioner to comply with the appropriate standard of care

A practitioner who provides telemedicine medical services to a patient shall provide the patient with guidance on appropriate follow up care and with the patient's consent, forward the report of the encounter to the patient's primary care physician within 72 hours.

A practitioner-patient relationship is not present for purposes of prescribing an abortifacient or other drug or device to terminate a pregnancy.

The Texas Medical Board, Texas Board of Nursing, Texas Physician Assistant Board and the Texas Pharmacy Board are required to adopt joint rules that establish the determination of a valid prescription, which must allow for the establishment of the practitioner-patient relationship through telemedicine if it meets the standards outlined above.

This section does not apply to mental health services.

Source: TX Occupations Code 111.005-.008 (SB 1107 – 2017). (Accessed Sept. 2018).

A valid prescription must be issued for a legitimate medical purpose and meet all other applicable laws before prescribing.

Treatment of chronic pain with scheduled drugs through use of telemedicine is prohibited unless otherwise allowed under federal and state law. Treatment of acute pain with scheduled drugs through telemedicine is allowed unless otherwise prohibited under federal and state law.

Source: TX Admin. Code, Title 22, Part 9, Ch. 174.5. (Accessed Sept. 2018).

Establishing a practitioner-patient relationship is not required for prescription of sexually transmitted disease for partners of the physician's established patient, if the physician determines that the patient may have been infected; or drugs or vaccines for after close contact with an infectious disease.

Source: TX Admin. Code, Title 22, Part 9, Ch. 190.8(1)(L). (Accessed Sept. 2018).

A telemedicine license may be issued for out of state providers.

Source: TX Admin. Code, Title 22, Sec. 172.12 & TX Occupation Code Section 151.056. (Accessed Sept. 2018).

An out-of-state physician may provide episodic consultation without a TX medical license.

Source: TX Admin. Code, Title 22, Part 9, Ch. 174.

Texas adopted the Nurses Licensure Compact.

Source: Current NLC States & Status. Nurse Licensure Compact. (Accessed Sept. 2018).

Texas adopted the Physical Therapy Compact.

Source: Compact Map. Physical Therapy Compact. (Accessed Sept. 2018).

Professional Board Telehealth-Specific Regulations

- TX Medical Board (**Source:** TX Admin. Code, Title 22, Part 9, Ch. 174).
- TX Board of Speech Pathology and Audiology (**Source:** TX Admin. Code, Ch. 16 Sec. 111.120).
- TX Board of Occupational Therapy Examiners (**Source:** TX Admin. Code, Title 40, Ch. 372.1)

An e-Health Advisory Committee was established under TX Government Code Section 531.012 and is comprised of 15 members, including:

- At least one expert on telemedicine
- At least one expert on home telemonitoring services
- At least one representative of consumers of health services provided through telemedicine.

Source: TX Admin. Code, Title 1, Sec. 351.823. (2016). (Accessed Sept. 2018).

