

1-1 By: Perry, Flores S.B. No. 792
 1-2 (In the Senate - Filed February 12, 2019; March 1, 2019,
 1-3 read first time and referred to Committee on Health & Human
 1-4 Services; April 26, 2019, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-6 April 26, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 792 By: Perry

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the practice of dentistry and the provision of
 1-22 teledentistry dental services.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. The heading to Chapter 111, Occupations Code, is
 1-25 amended to read as follows:

1-26 CHAPTER 111. TELEMEDICINE, TELEDENTISTRY, AND TELEHEALTH

1-27 SECTION 2. Section 111.001, Occupations Code, is amended by
 1-28 amending Subdivisions (1) and (3) and adding Subdivision (2-a) to
 1-29 read as follows:

1-30 (1) "Dentist," "health [Health] professional," and
 1-31 "physician" have the meanings assigned by Section 1455.001,
 1-32 Insurance Code.

1-33 (2-a) "Teledentistry dental service" means a health
 1-34 care service delivered by a dentist, or a health professional
 1-35 acting under the delegation and supervision of a dentist, acting
 1-36 within the scope of the dentist's or health professional's license
 1-37 or certification to a patient at a different physical location than
 1-38 the dentist or health professional using telecommunications or
 1-39 information technology.

1-40 (3) "Telehealth service" means a health service, other
 1-41 than a telemedicine medical service or a teledentistry dental
 1-42 service, delivered by a health professional licensed, certified, or
 1-43 otherwise entitled to practice in this state and acting within the
 1-44 scope of the health professional's license, certification, or
 1-45 entitlement to a patient at a different physical location than the
 1-46 health professional using telecommunications or information
 1-47 technology.

1-48 SECTION 3. Section 111.002, Occupations Code, is amended to
 1-49 read as follows:

1-50 Sec. 111.002. INFORMED CONSENT. (a) A treating physician,
 1-51 dentist, or health professional who provides or facilitates the use
 1-52 of telemedicine medical services, teledentistry dental services,
 1-53 or telehealth services shall ensure that the informed consent of
 1-54 the patient, or another appropriate individual authorized to make
 1-55 health care treatment decisions for the patient, is obtained before
 1-56 telemedicine medical services, teledentistry dental services, or
 1-57 telehealth services are provided.

1-58 (b) A dentist who delegates a teledentistry dental service
 1-59 shall ensure that the informed consent of the patient includes
 1-60 disclosure to the patient that the dentist has delegated the

2-1 service.

2-2 SECTION 4. Section 111.003, Occupations Code, is amended to
2-3 read as follows:

2-4 Sec. 111.003. CONFIDENTIALITY. A treating physician,
2-5 dentist, or health professional who provides or facilitates the use
2-6 of telemedicine medical services, teledentistry dental services,
2-7 or telehealth services shall ensure that the confidentiality of the
2-8 patient's clinical [medical] information is maintained as required
2-9 by Chapter 159, by Subchapter C, Chapter 258, or by other applicable
2-10 law.

2-11 SECTION 5. Section 111.004, Occupations Code, is amended
2-12 to read as follows:

2-13 Sec. 111.004. RULES. (a) The Texas Medical Board, in
2-14 consultation with the commissioner of insurance, as appropriate,
2-15 may adopt rules necessary to:

2-16 (1) ensure that patients using telemedicine medical
2-17 services receive appropriate, quality care;

2-18 (2) prevent abuse and fraud in the use of telemedicine
2-19 medical services, including rules relating to the filing of claims
2-20 and records required to be maintained in connection with
2-21 telemedicine medical services;

2-22 (3) ensure adequate supervision of health
2-23 professionals who are not physicians and who provide telemedicine
2-24 medical services; and

2-25 (4) establish the maximum number of health
2-26 professionals who are not physicians that a physician may supervise
2-27 through a telemedicine medical service.

2-28 (b) The State Board of Dental Examiners, in consultation
2-29 with the commissioner of insurance, as appropriate, may adopt rules
2-30 necessary to:

2-31 (1) ensure that patients using teledentistry dental
2-32 services receive appropriate, quality care;

2-33 (2) prevent abuse and fraud in the use of
2-34 teledentistry dental services, including rules relating to the
2-35 filing of claims and records required to be maintained in
2-36 connection with teledentistry dental services;

2-37 (3) ensure adequate supervision of health
2-38 professionals who are not dentists and who provide teledentistry
2-39 dental services under the delegation and supervision of a dentist;
2-40 and

2-41 (4) establish that a dentist may delegate to and
2-42 supervise through a teledentistry dental service not more than two
2-43 health professionals who are not dentists.

2-44 SECTION 6. The heading to Section 111.005, Occupations
2-45 Code, is amended to read as follows:

2-46 Sec. 111.005. PRACTITIONER-PATIENT RELATIONSHIP FOR
2-47 TELEMEDICINE MEDICAL SERVICES OR TELEDENTISTRY DENTAL SERVICES.

2-48 SECTION 7. Section 111.005, Occupations Code, is amended by
2-49 amending Subsections (a) and (b) and adding Subsection (d) to read
2-50 as follows:

2-51 (a) For purposes of Section 562.056, a valid
2-52 practitioner-patient relationship is present between a
2-53 practitioner providing a telemedicine medical service or a
2-54 teledentistry dental service and a patient receiving the
2-55 [telemedicine medical] service as long as the practitioner complies
2-56 with the standard of care described in Section 111.007 and the
2-57 practitioner:

2-58 (1) has a preexisting practitioner-patient
2-59 relationship with the patient established in accordance with rules
2-60 adopted under Section 111.006;

2-61 (2) communicates, regardless of the method of
2-62 communication, with the patient pursuant to a call coverage
2-63 agreement established in accordance with:

2-64 (A) Texas Medical Board rules with a physician
2-65 requesting coverage of medical care for the patient; or

2-66 (B) State Board of Dental Examiners rules with a
2-67 dentist requesting coverage of dental care for the patient; or

2-68 (3) provides the telemedicine medical services or
2-69 teledentistry dental services through the use of one of the

3-1 following methods, as long as the practitioner complies with the
 3-2 follow-up requirements in Subsection (b), and the method allows the
 3-3 practitioner to have access to, and the practitioner uses, the
 3-4 relevant clinical information that would be required in accordance
 3-5 with the standard of care described in Section 111.007:

3-6 (A) synchronous audiovisual interaction between
 3-7 the practitioner and the patient in another location;

3-8 (B) asynchronous store and forward technology,
 3-9 including asynchronous store and forward technology in conjunction
 3-10 with synchronous audio interaction between the practitioner and the
 3-11 patient in another location, as long as the practitioner uses
 3-12 clinical information from:

3-13 (i) clinically relevant photographic or
 3-14 video images, including diagnostic images; or

3-15 (ii) the patient's relevant clinical
 3-16 [~~medical~~] records, such as the relevant medical or dental history,
 3-17 laboratory and pathology results, and prescriptive histories; or

3-18 (C) another form of audiovisual
 3-19 telecommunication technology that allows the practitioner to
 3-20 comply with the standard of care described in Section 111.007.

3-21 (b) A practitioner who provides telemedicine medical
 3-22 services or teledentistry dental services to a patient as described
 3-23 in Subsection (a)(3) shall:

3-24 (1) provide the patient with guidance on appropriate
 3-25 follow-up care; and

3-26 (2) subject to Subsection (d), if the patient consents
 3-27 and the patient has a primary care physician or a regular dentist,
 3-28 provide to the patient's primary care physician or regular dentist,
 3-29 as appropriate, within 72 hours after the practitioner provides the
 3-30 services to the patient, a clinical [~~medical~~] record or other
 3-31 report containing an explanation of:

3-32 (A) the treatment provided by the practitioner to
 3-33 the patient; and

3-34 (B) as authorized by the law under which the
 3-35 practitioner is licensed, certified, or otherwise permitted to
 3-36 provide the service, the practitioner's evaluation, analysis, or
 3-37 diagnosis[~~, as appropriate,~~] of the patient's condition.

3-38 (d) A practitioner who provides teledentistry dental
 3-39 services to a patient as described in Subsection (a)(3):

3-40 (1) on the date the practitioner first provides the
 3-41 teledentistry dental services, shall inform the patient of the
 3-42 limitation provided by Subdivision (2); and

3-43 (2) may only provide teledentistry dental services
 3-44 with respect to the patient for 12 months unless:

3-45 (A) a dentist performs an in-person tactile and
 3-46 visual examination of the hard and soft tissues of the patient's
 3-47 oral cavity; and

3-48 (B) the practitioner receives notice of the
 3-49 examination described by Paragraph (A).

3-50 SECTION 8. Section 111.006, Occupations Code, is amended by
 3-51 adding Subsection (c) to read as follows:

3-52 (c) The State Board of Dental Examiners and the Texas State
 3-53 Board of Pharmacy shall jointly adopt rules that establish the
 3-54 determination of a valid prescription in accordance with Section
 3-55 111.005. Rules adopted under this subsection must allow for the
 3-56 establishment of a practitioner-patient relationship by a
 3-57 teledentistry dental service provided by a dentist to a patient in a
 3-58 manner that complies with Section 111.005(a)(3). The State Board
 3-59 of Dental Examiners and the Texas State Board of Pharmacy shall
 3-60 jointly develop and publish on each respective board's Internet
 3-61 website responses to frequently asked questions relating to the
 3-62 determination of a valid prescription issued in the course of the
 3-63 provision of teledentistry dental services.

3-64 SECTION 9. Section 111.007, Occupations Code, is amended to
 3-65 read as follows:

3-66 Sec. 111.007. STANDARD OF CARE FOR TELEMEDICINE MEDICAL
 3-67 SERVICES, TELEDENTISTRY DENTAL SERVICES, AND TELEHEALTH SERVICES.

3-68 (a) A health professional providing a health care service or
 3-69 procedure as a telemedicine medical service, a teledentistry dental

4-1 service, or a telehealth service is subject to the standard of care
 4-2 that would apply to the provision of the same health care service or
 4-3 procedure in an in-person setting.

4-4 (b) An agency with regulatory authority over a health
 4-5 professional may not adopt rules pertaining to telemedicine medical
 4-6 services, teledentistry dental services, or telehealth services
 4-7 that would impose a higher standard of care than the standard
 4-8 described in Subsection (a).

4-9 SECTION 10. Chapter 111, Occupations Code, is amended by
 4-10 adding Section 111.0075 to read as follows:

4-11 Sec. 111.0075. LICENSING FOR TELEDENTISTRY DENTAL
 4-12 SERVICES. A health professional providing a health care service or
 4-13 procedure as a teledentistry dental service is subject to the
 4-14 licensing requirements that would apply to the provision of the
 4-15 same health care service or procedure in an in-person setting.

4-16 SECTION 11. Chapter 111, Occupations Code, is amended by
 4-17 adding Section 111.009 to read as follows:

4-18 Sec. 111.009. CERTAIN PRESCRIPTIONS PROHIBITED. (a) In
 4-19 this section, "controlled substance" and "prescribe" have the
 4-20 meanings assigned by Section 481.002, Health and Safety Code.

4-21 (b) A dentist may not prescribe a controlled substance to a
 4-22 patient as a teledentistry dental service.

4-23 SECTION 12. Section 251.003, Occupations Code, is amended
 4-24 by adding Subsection (d) to read as follows:

4-25 (d) For purposes of this subtitle, a person located in
 4-26 another state practices dentistry in this state and is required to
 4-27 hold a license to practice dentistry in this state if the person
 4-28 through the use of any medium, including an electronic medium,
 4-29 performs an act that constitutes the practice of dentistry on a
 4-30 patient in this state.

4-31 SECTION 13. Chapter 254, Occupations Code, is amended by
 4-32 adding Section 254.0035 to read as follows:

4-33 Sec. 254.0035. RULES REGARDING CALL COVERAGE AGREEMENTS.
 4-34 The board shall adopt rules governing a call coverage agreement
 4-35 between dentists.

4-36 SECTION 14. Section 258.001, Occupations Code, is amended
 4-37 to read as follows:

4-38 Sec. 258.001. IMPERMISSIBLE DELEGATIONS. A dentist may not
 4-39 delegate:

4-40 (1) an act to an individual who, by board order, is
 4-41 prohibited from performing the act;

4-42 (2) any of the following acts to a person not licensed
 4-43 as a dentist or dental hygienist:

4-44 (A) the removal of calculus, deposits, or
 4-45 accretions from the natural and restored surfaces of exposed human
 4-46 teeth and restorations in the human mouth;

4-47 (B) root planing or the smoothing and polishing
 4-48 of roughened root surfaces or exposed human teeth; or

4-49 (C) any other act the delegation of which is
 4-50 prohibited by board rule;

4-51 (3) any of the following acts to a person not licensed
 4-52 as a dentist:

4-53 (A) comprehensive examination or diagnosis and
 4-54 treatment planning;

4-55 (B) a surgical or cutting procedure on hard or
 4-56 soft tissue;

4-57 (C) the prescription of a drug, medication, or
 4-58 work authorization;

4-59 (D) the taking of an impression for a final
 4-60 restoration, appliance, or prosthesis;

4-61 (E) the making of an intraoral occlusal
 4-62 adjustment;

4-63 (F) direct pulp capping, pulpotomy, or any other
 4-64 endodontic procedure;

4-65 (G) the final placement and intraoral adjustment
 4-66 of a fixed or removable appliance; or

4-67 (H) the placement of any final restoration; or

4-68 (4) the authority to an individual to administer a
 4-69 local anesthetic agent, inhalation sedative agent, parenteral

5-1 sedative agent, or general anesthetic agent, including as a
5-2 teledentistry dental service as that term is defined by Section
5-3 111.001, if the individual is not licensed as:

5-4 (A) a dentist with a permit issued by the board
5-5 for the procedure being performed, if a permit is required;

5-6 (B) a certified registered nurse anesthetist
5-7 licensed by the Texas Board of Nursing, only if the delegating
5-8 dentist holds a permit issued by the board for the procedure being
5-9 performed, if a permit is required; or

5-10 (C) a physician anesthesiologist licensed by the
5-11 Texas Medical Board.

5-12 SECTION 15. Section 262.152, Occupations Code, is amended
5-13 to read as follows:

5-14 Sec. 262.152. PERFORMANCE OF DELEGATED DUTIES. (a) Except
5-15 as provided by Section 262.1515, a dental hygienist shall practice
5-16 dental hygiene:

5-17 (1) in the dental office of a supervising dentist
5-18 licensed by the board; or

5-19 (2) in an alternate setting, including a nursing home,
5-20 the patient's home, a school, a hospital, a state institution, a
5-21 public health clinic, or another institution, under the supervision
5-22 of a supervising dentist.

5-23 (b) For purposes of this section, a dental hygienist who
5-24 practices dental hygiene as a teledentistry dental service, as
5-25 defined by Section 111.001, is practicing in an alternate setting
5-26 in compliance with Subsection (a)(2).

5-27 SECTION 16. Section 562.056(c), Occupations Code, is
5-28 amended to read as follows:

5-29 (c) For purposes of this section and Section 562.112, a
5-30 valid practitioner-patient relationship is present between a
5-31 practitioner providing telemedicine medical services or
5-32 teledentistry dental services and the patient receiving the
5-33 [~~telemedicine medical~~] services if the practitioner has complied
5-34 with the requirements for establishing such a relationship in
5-35 accordance with Section 111.005.

5-36 SECTION 17. Section 531.001, Government Code, is amended by
5-37 adding Subdivision (6-a) to read as follows:

5-38 (6-a) "Teledentistry dental service" has the meaning
5-39 assigned by Section 111.001, Occupations Code.

5-40 SECTION 18. Section 531.0216, Government Code, is amended
5-41 to read as follows:

5-42 Sec. 531.0216. PARTICIPATION AND REIMBURSEMENT OF
5-43 TELEMEDICINE MEDICAL SERVICE PROVIDERS, TELEDENTISTRY DENTAL
5-44 SERVICE PROVIDERS, AND TELEHEALTH SERVICE PROVIDERS UNDER
5-45 MEDICAID. (a) The executive commissioner by rule shall develop
5-46 and implement a system to reimburse providers of services under
5-47 Medicaid for services performed using telemedicine medical
5-48 services, teledentistry dental services, or telehealth services.

5-49 (b) In developing the system, the executive commissioner by
5-50 rule shall:

5-51 (1) review programs and pilot projects in other states
5-52 to determine the most effective method for reimbursement;

5-53 (2) establish billing codes and a fee schedule for
5-54 services;

5-55 (3) consult with the Department of State Health
5-56 Services to establish procedures to:

5-57 (A) identify clinical evidence supporting
5-58 delivery of health care services using a telecommunications system;
5-59 and

5-60 (B) annually review health care services,
5-61 considering new clinical findings, to determine whether
5-62 reimbursement for particular services should be denied or
5-63 authorized;

5-64 (4) establish a separate provider identifier for
5-65 telemedicine medical services providers, teledentistry dental
5-66 services providers, telehealth services providers, and home
5-67 telemonitoring services providers; and

5-68 (5) establish a separate modifier for telemedicine
5-69 medical services, teledentistry dental services, telehealth

6-1 services, and home telemonitoring services eligible for
6-2 reimbursement.

6-3 (c) The commission shall encourage health care providers
6-4 and health care facilities to participate as telemedicine medical
6-5 service providers, teledentistry dental service providers, or
6-6 telehealth service providers in the health care delivery system.
6-7 The commission may not require that a service be provided to a
6-8 patient through telemedicine medical services, teledentistry
6-9 dental services, or telehealth services when the service can
6-10 reasonably be provided by a physician or a dentist through a
6-11 face-to-face consultation with the patient in the community in
6-12 which the patient resides or works. This subsection does not
6-13 prohibit the authorization of the provision of any service to a
6-14 patient through telemedicine medical services, teledentistry
6-15 dental services, or telehealth services at the patient's request.

6-16 (c-1) Subsection (c) does not prohibit the authorization of
6-17 the provision of any service to a patient through teledentistry
6-18 dental services if:

6-19 (1) the patient requests the service; and

6-20 (2) the provision of the service through teledentistry
6-21 does not violate the standard of care applicable to the service.

6-22 (c-2) The commission shall:

6-23 (1) explore opportunities to increase STAR Health
6-24 program providers' use of telemedicine medical services in
6-25 medically underserved areas of this state; and

6-26 (2) encourage STAR Health program providers to use
6-27 telemedicine medical services as appropriate.

6-28 (d) Subject to Sections 111.004 and ~~[Section]~~ 153.004,
6-29 Occupations Code, the executive commissioner may adopt rules as
6-30 necessary to implement this section. In the rules adopted under
6-31 this section, the executive commissioner shall:

6-32 (1) refer to the site where the patient is physically
6-33 located as the patient site; and

6-34 (2) refer to the site where the physician, dentist, or
6-35 health professional providing the telemedicine medical service,
6-36 teledentistry dental service, or telehealth service is physically
6-37 located as the distant site.

6-38 (e) The commission may not reimburse a health care facility
6-39 for telemedicine medical services, teledentistry dental services,
6-40 or telehealth services provided to a Medicaid recipient unless the
6-41 facility complies with the minimum standards adopted under Section
6-42 531.02161.

6-43 (f) Not later than December 1 of each even-numbered year,
6-44 the commission shall report to the speaker of the house of
6-45 representatives and the lieutenant governor on the effects of
6-46 telemedicine medical services, teledentistry dental services,
6-47 telehealth services, and home telemonitoring services on Medicaid
6-48 in the state, including the number of physicians, dentists, health
6-49 professionals, and licensed health care facilities using
6-50 telemedicine medical services, teledentistry dental services,
6-51 telehealth services, or home telemonitoring services, the
6-52 geographic and demographic disposition of the physicians,
6-53 dentists, and health professionals, the number of patients
6-54 receiving telemedicine medical services, teledentistry dental
6-55 services, telehealth services, and home telemonitoring services,
6-56 the types of services being provided, and the cost of utilization of
6-57 telemedicine medical services, teledentistry dental services,
6-58 telehealth services, and home telemonitoring services to Medicaid.

6-59 SECTION 19. The heading to Section 531.02161, Government
6-60 Code, is amended to read as follows:

6-61 Sec. 531.02161. TELEMEDICINE, TELEDENTISTRY, TELEHEALTH,
6-62 AND HOME TELEMONITORING TECHNOLOGY STANDARDS.

6-63 SECTION 20. Section 531.02161(b), Government Code, is
6-64 amended to read as follows:

6-65 (b) The executive commissioner by rule shall establish and
6-66 adopt minimum standards for an operating system used in the
6-67 provision of telemedicine medical services, teledentistry dental
6-68 services, telehealth services, or home telemonitoring services by a
6-69 health care facility participating in Medicaid, including

7-1 standards for electronic transmission, software, and hardware.
7-2 SECTION 21. The heading to Section 531.02162, Government
7-3 Code, is amended to read as follows:

7-4 Sec. 531.02162. MEDICAID SERVICES PROVIDED THROUGH
7-5 TELEMEDICINE MEDICAL SERVICES, TELEDENTISTRY DENTAL SERVICES, AND
7-6 TELEHEALTH SERVICES TO CHILDREN WITH SPECIAL HEALTH CARE NEEDS.

7-7 SECTION 22. Section 531.02162, Government Code, is amended
7-8 by amending Subsections (b) and (c) and adding Subsection (d) to
7-9 read as follows:

7-10 (b) The executive commissioner by rule shall establish
7-11 policies that permit reimbursement under Medicaid and the child
7-12 health plan program for services provided through telemedicine
7-13 medical services, teledentistry dental services, and telehealth
7-14 services to children with special health care needs.

7-15 (c) The policies required under this section must:

7-16 (1) be designed to:

7-17 (A) prevent unnecessary travel and encourage
7-18 efficient use of telemedicine medical services, teledentistry
7-19 dental services, and telehealth services for children with special
7-20 health care needs in all suitable circumstances; and

7-21 (B) ensure in a cost-effective manner the
7-22 availability to a child with special health care needs of services
7-23 appropriately performed using telemedicine medical services,
7-24 teledentistry dental services, and telehealth services that are
7-25 comparable to the same types of services available to that child
7-26 without the use of telemedicine medical services, teledentistry
7-27 dental services, and telehealth services; and

7-28 (2) provide for reimbursement of multiple providers of
7-29 different services who participate in a single session of
7-30 telemedicine medical services, teledentistry dental services,
7-31 [and] telehealth services, or any combination of those services,
7-32 [session] for a child with special health care needs, if the
7-33 commission determines that reimbursing each provider for the
7-34 session is cost-effective in comparison to the costs that would be
7-35 involved in obtaining the services from providers without the use
7-36 of telemedicine medical services, teledentistry dental services,
7-37 and telehealth services, including the costs of transportation and
7-38 lodging and other direct costs.

7-39 (d) The policies established under Subsection (c)(1) may
7-40 authorize the provision of a service as a teledentistry dental
7-41 service only if the provision of the service through teledentistry
7-42 does not violate the standard of care applicable to the service.

7-43 SECTION 23. Subchapter B, Chapter 531, Government Code, is
7-44 amended by adding Section 531.02172 to read as follows:

7-45 Sec. 531.02172. REIMBURSEMENT FOR TELEDENTISTRY DENTAL
7-46 SERVICES. (a) The commission by rule shall require each health
7-47 and human services agency that administers a part of the Medicaid
7-48 program to provide Medicaid reimbursement for teledentistry dental
7-49 services provided by a dentist licensed to practice dentistry in
7-50 this state.

7-51 (b) The commission shall require reimbursement for a
7-52 teledentistry dental service at the same rate as the Medicaid
7-53 program reimburses for a comparable in-person dental service. A
7-54 request for reimbursement may not be denied solely because an
7-55 in-person dental service between a dentist and a patient did not
7-56 occur. A service provided as a teledentistry dental service may
7-57 only be reimbursed if provision of the service through
7-58 teledentistry does not violate the standard of care applicable to
7-59 the service.

7-60 (c) The State Board of Dental Examiners, in consultation
7-61 with the commission and the commission's office of inspector
7-62 general, as appropriate, may adopt rules as necessary to:

7-63 (1) ensure that appropriate care, including quality of
7-64 care, is provided to patients who receive teledentistry dental
7-65 services; and

7-66 (2) prevent abuse and fraud through the use of
7-67 teledentistry dental services, including rules relating to filing
7-68 claims and the records required to be maintained in connection with
7-69 teledentistry dental services.

8-1 SECTION 24. The heading to Section 62.157, Health and
8-2 Safety Code, is amended to read as follows:

8-3 Sec. 62.157. TELEMEDICINE MEDICAL SERVICES, TELEDENTISTRY
8-4 DENTAL SERVICES, AND TELEHEALTH SERVICES FOR CHILDREN WITH SPECIAL
8-5 HEALTH CARE NEEDS.

8-6 SECTION 25. Sections 62.157(a) and (b), Health and Safety
8-7 Code, are amended to read as follows:

8-8 (a) In providing covered benefits to a child with special
8-9 health care needs, a health plan provider must permit benefits to be
8-10 provided through telemedicine medical services, teledentistry
8-11 dental services, and telehealth services in accordance with
8-12 policies developed by the commission.

8-13 (b) The policies must provide for:

8-14 (1) the availability of covered benefits
8-15 appropriately provided through telemedicine medical services,
8-16 teledentistry dental services, and telehealth services that are
8-17 comparable to the same types of covered benefits provided without
8-18 the use of telemedicine medical services, teledentistry dental
8-19 services, and telehealth services; and

8-20 (2) the availability of covered benefits for different
8-21 services performed by multiple health care providers during a
8-22 single [~~telemedicine medical services and telehealth services~~]
8-23 session of telemedicine medical services, teledentistry dental
8-24 services, telehealth services, or any combination of those
8-25 services, if the executive commissioner determines that delivery of
8-26 the covered benefits in that manner is cost-effective in comparison
8-27 to the costs that would be involved in obtaining the services from
8-28 providers without the use of telemedicine medical services,
8-29 teledentistry dental services, and telehealth services, including
8-30 the costs of transportation and lodging and other direct costs.

8-31 SECTION 26. Section 62.1571, Health and Safety Code, is
8-32 amended to read as follows:

8-33 Sec. 62.1571. TELEMEDICINE MEDICAL SERVICES AND
8-34 TELEDENTISTRY DENTAL SERVICES. (a) In providing covered benefits
8-35 to a child, a health plan provider must permit benefits to be
8-36 provided through telemedicine medical services and teledentistry
8-37 dental services in accordance with policies developed by the
8-38 commission.

8-39 (b) The policies must provide for:

8-40 (1) the availability of covered benefits
8-41 appropriately provided through telemedicine medical services and
8-42 teledentistry dental services that are comparable to the same types
8-43 of covered benefits provided without the use of telemedicine
8-44 medical services and teledentistry dental services; and

8-45 (2) the availability of covered benefits for different
8-46 services performed by multiple health care providers during a
8-47 single session of telemedicine medical services, teledentistry
8-48 dental services, or both services, if the executive commissioner
8-49 determines that delivery of the covered benefits in that manner is
8-50 cost-effective in comparison to the costs that would be involved in
8-51 obtaining the services from providers without the use of
8-52 telemedicine medical services or teledentistry dental services,
8-53 including the costs of transportation and lodging and other direct
8-54 costs.

8-55 (c) [~~(d)~~] In this section, "teledentistry dental service"
8-56 and "telemedicine medical service" have [has] the meanings
8-57 [meaning] assigned by Section 531.001, Government Code.

8-58 SECTION 27. The heading to Chapter 1455, Insurance Code, is
8-59 amended to read as follows:

8-60 CHAPTER 1455. TELEMEDICINE, TELEDENTISTRY, AND TELEHEALTH

8-61 SECTION 28. Section 1455.001, Insurance Code, is amended by
8-62 amending Subdivisions (1) and (3) and adding Subdivision (1-a) to
8-63 read as follows:

8-64 (1) "Dentist" means a person licensed to practice
8-65 dentistry in this state under Subtitle D, Title 3, Occupations
8-66 Code.

8-67 (1-a) "Health professional" means:

8-68 (A) a physician;

8-69 (B) an individual who is:

9-1 (i) licensed or certified in this state to
 9-2 perform health care services; and
 9-3 (ii) authorized to assist:
 9-4 (a) a physician in providing
 9-5 telemedicine medical services that are delegated and supervised by
 9-6 the physician; or
 9-7 (b) a dentist in providing
 9-8 teledentistry dental services that are delegated and supervised by
 9-9 the dentist;
 9-10 (C) a licensed or certified health professional
 9-11 acting within the scope of the license or certification who does not
 9-12 perform a telemedicine medical service or a teledentistry dental
 9-13 service; or

9-14 (D) a dentist.
 9-15 (3) "Teledentistry dental service," "telehealth
 9-16 ["Telehealth] service," and "telemedicine medical service" have
 9-17 the meanings assigned by Section 111.001, Occupations Code.

9-18 SECTION 29. Section 1455.004, Insurance Code, is amended to
 9-19 read as follows:

9-20 Sec. 1455.004. COVERAGE FOR TELEMEDICINE MEDICAL SERVICES,
 9-21 TELEDENTISTRY DENTAL SERVICES, AND TELEHEALTH SERVICES. (a) A
 9-22 health benefit plan may not exclude from coverage a covered health
 9-23 care service or procedure delivered by a preferred or contracted
 9-24 health professional to a covered patient as a telemedicine medical
 9-25 service, a teledentistry dental service, or a telehealth service
 9-26 solely because the covered health care service or procedure is not
 9-27 provided through an in-person consultation.

9-28 (b) A health benefit plan may require a deductible, a
 9-29 copayment, or coinsurance for a covered health care service or
 9-30 procedure delivered by a preferred or contracted health
 9-31 professional to a covered patient as a telemedicine medical
 9-32 service, a teledentistry dental service, or a telehealth service.
 9-33 The amount of the deductible, copayment, or coinsurance may not
 9-34 exceed the amount of the deductible, copayment, or coinsurance
 9-35 required for the covered health care service or procedure provided
 9-36 through an in-person consultation.

9-37 (c) Notwithstanding Subsection (a), a health benefit plan
 9-38 is not required to provide coverage for a telemedicine medical
 9-39 service, a teledentistry dental service, or a telehealth service
 9-40 provided by only synchronous or asynchronous audio interaction,
 9-41 including:

- 9-42 (1) an audio-only telephone consultation;
- 9-43 (2) a text-only e-mail message; or
- 9-44 (3) a facsimile transmission.

9-45 SECTION 30. Section 1455.006, Insurance Code, is amended to
 9-46 read as follows:

9-47 Sec. 1455.006. TELEMEDICINE MEDICAL SERVICES,
 9-48 TELEDENTISTRY DENTAL SERVICES, AND TELEHEALTH SERVICES STATEMENT.

9-49 (a) Each issuer of a health benefit plan shall adopt and display in
 9-50 a conspicuous manner on the health benefit plan issuer's Internet
 9-51 website the issuer's policies and payment practices for
 9-52 telemedicine medical services, teledentistry dental services, and
 9-53 telehealth services.

9-54 (b) This section does not require an issuer of a health
 9-55 benefit plan to display negotiated contract payment rates for
 9-56 health professionals who contract with the issuer to provide
 9-57 telemedicine medical services, teledentistry dental services, or
 9-58 telehealth services.

9-59 SECTION 31. Not later than March 1, 2020:

9-60 (1) the State Board of Dental Examiners and the Texas
 9-61 State Board of Pharmacy shall jointly adopt rules as required by
 9-62 Section 111.006(c), Occupations Code, as added by this Act;

9-63 (2) the State Board of Dental Examiners shall adopt:
 9-64 (A) rules necessary to implement Chapter 111,
 9-65 Occupations Code, as amended by this Act; and

9-66 (B) rules as required by Section 254.0035,
 9-67 Occupations Code, as added by this Act; and

9-68 (3) the Health and Human Services Commission shall
 9-69 adopt rules as required by Section 531.02172, Government Code, as

10-1 added by this Act.

10-2 SECTION 32. If before implementing any provision of this
10-3 Act a state agency determines that a waiver or authorization from a
10-4 federal agency is necessary for implementation of that provision,
10-5 the agency affected by the provision shall request the waiver or
10-6 authorization and may delay implementing that provision until the
10-7 waiver or authorization is granted.

10-8 SECTION 33. (a) Except as provided by Subsection (b) of
10-9 this section, this Act takes effect September 1, 2019.

10-10 (b) Sections [1455.004](#) and [1455.006](#), Insurance Code, as
10-11 amended by this Act, take effect January 1, 2020.

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