

AN ACT

relating to certain health care services provided through telemedicine or telehealth under the state Medicaid program.

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

SECTION 1. Section 531.0217, Government Code, is amended by adding Subsections (c-1), (c-2), and (c-3) to read as follows:

(c-1) Notwithstanding Subsection (b) or (c), the commission shall provide for reimbursement under the Medicaid program for an office visit provided through telemedicine by a physician who is assessing and evaluating the patient from a distant site if:

(1) a health professional acting under the delegation and supervision of that physician is present with the patient at the time of the visit; and

(2) 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 date of the visit.

(c-2) The commission shall develop rules to allocate reimbursement provided under Subsection (c-1) between a physician consulting from a distant site and a health professional present with the patient or shall by rule establish a facility fee that a physician consulting from a distant site and receiving reimbursement under Subsection (c-1) must pay a health professional

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1 present with the patient.

2 (c-3) In adopting rules under Subsection (c-2), the  
3 commission shall confer with the Centers for Medicare and Medicaid  
4 Services on the legality of allocating reimbursement or  
5 establishing a facility fee as described in that subsection. Rules  
6 adopted by the commission under this subsection or Subsection (c-2)  
7 must reflect a policy to build capacity in medically underserved  
8 areas of this state.

9 SECTION 2. Subsections (i) and (j), Section 531.02175,  
10 Government Code, as added by Chapter 370, Acts of the 79th  
11 Legislature, Regular Session, 2005, are amended to read as follows:

12 (i) Not later than September 1, 2008 [~~December 1, 2006~~], the  
13 commission shall submit a report to the legislature regarding the  
14 results of the pilot program. The report must include  
15 recommendations regarding elimination, continuation, or expansion  
16 of the pilot program.

17 (j) This section expires September 1, 2009 [~~2007~~].

18 SECTION 3. If before implementing any provision of this Act  
19 a state agency determines that a waiver or other authorization from  
20 a federal agency is necessary for implementation, the agency  
21 affected by the provision shall request the waiver or authorization  
22 and may delay implementing that provision until the waiver or  
23 authorization is granted.

24 SECTION 4. (a) Section 1 of this Act takes effect  
25 September 1, 2007.

26 (b) Except as provided by Subsection (a) of this section,  
27 this Act takes effect immediately if it receives a vote of

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1 two-thirds of all the members elected to each house, as provided by  
2 Section 39, Article III, Texas Constitution. If this Act does not  
3 receive the vote necessary for immediate effect, this Act takes  
4 effect August 27, 2007. \_\_\_\_\_

David Newkum  
President of the Senate

Tom Craddick  
Speaker of the House

I hereby certify that S.B. No. 24 passed the Senate on  
March 28, 2007, by the following vote: Yeas 30, Nays 0. \_\_\_\_\_

Ratsy Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 24 passed the House on  
May 17, 2007, by the following vote: Yeas 141, Nays 0, two  
present not voting. \_\_\_\_\_

Robert Honey  
Chief Clerk of the House

Approved:

15 JUN 07

Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
8 PM O'CLOCK

JUN 15 2007

Roger Williams  
Secretary of State