

# Texas

**Medicaid Program:** Texas Medicaid

**Medicaid Program Administrator:** Texas Health and Human Services Commission

**Regional Telehealth Resource Center:**

TexLa Telehealth Resource Center  
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STATE LAW/REGULATIONS	MEDICAID PROGRAM
<b>Definition of telemedicine/telehealth</b>	
<p>Telemedicine is “the use of health care information exchanged from one site to another via electronic communications for the health and education of the individual or provider, and for the purpose of improving patient care, treatment, and services.”</p> <p><i>Source: TX Admin. Code, Title 25 Sec. 412.303.</i></p> <p>“Telemedicine medical service--A health care service, initiated by a physician who is licensed to practice medicine in Texas under Title 3, Subtitle B of the Occupations Code 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:</p> <ul style="list-style-type: none"> <li>• Compressed digital interactive video, audio, or data transmission;</li> <li>• Clinical data transmission using computer imaging by way of still-image capture and store and forward; and</li> <li>• Other technology that facilitates access to health care services or medical specialty expertise.”</li> </ul> <p><i>Source: TX Admin. Code, Title 1 Sec. 354.1430</i></p> <p><b><u>Speech-Language Pathology and Audiology</u></b>                      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 an individual from a provider through hardware or internet connection.”</p> <p><i>Source: TX Admin. Code, Title 22 Sec. 741.1.</i></p>	<p>"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:</p> <ul style="list-style-type: none"> <li>• Compressed digital interactive video, audio, or data transmission;</li> <li>• Clinical data transmission using computer imaging by way of still-image capture and store and forward; and</li> <li>• Other technology that facilitates access to health care services or medical specialty expertise.</li> </ul> <p><i>Source: TX Government Code, Sec. 531.001 &amp; TX Admin. Code, Title 1 Sec. 354.1430 &amp; TX Medicaid Telecommunication Services Handbook, pg. 6, (Apr. 2017).</i></p> <p>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:</p> <ul style="list-style-type: none"> <li>• Client assessment by a health professional</li> <li>• Diagnosis, consultation or treatment by a physician</li> <li>• 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.</li> </ul>

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<p>Telehealth services--The fitting and dispensing of hearing instruments through telepractice to a client who is physically located at a site other than the site where the provider is located.</p> <p><i>Source: TX Admin. Code, Ch. 112, Sec.112.150. (2016).</i></p> <p><b>Occupational Therapy</b>            Telehealth is a “mode of service delivery through the use of visual and auditory, real time interactive electronic information/communications technologies. As a mode of service delivery, telehealth is contact with the client and the occupational therapy practitioner(s). 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.”</p> <p><i>Source: TX Admin. Code, Title 40 Sec. 362.1. (2016).</i></p>	<p><i>Source: TX Admin. Code, Title 1 Sec. 354.1430 &amp; TX Medicaid Telecommunication Services Handbook, pg. 5, (Apr. 2017).</i></p> <p>"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:</p> <ul style="list-style-type: none"> <li>● Compressed digital interactive video, audio, or data transmission;</li> <li>● Clinical data transmission using computer imaging by way of still-image capture and store and forward; and</li> <li>● Other technology that facilitates access to health care services or medical specialty expertise.</li> </ul> <p><i>Source: TX Government Code, Sec. 531.001.</i></p> <p>Home telemonitoring is “a health service that requires scheduled remote monitoring of data related to patient’s health and transmission of the data to a licensed home health agency or a hospital”.</p> <p><i>Source: TX Government Code, Sec. 531.001.</i></p>
<b>Live Video Reimbursement</b>	
<p>(see Medicaid column)</p>	<p>Texas Medicaid reimburses for live video for the following services:</p> <ul style="list-style-type: none"> <li>● Consultations;</li> <li>● Office or other outpatient visits;</li> <li>● Psychiatric diagnostic interviews;</li> <li>● Pharmacologic management;</li> <li>● Psychotherapy</li> <li>● Data transmission</li> </ul> <p><i>Source: TX Admin. Code, Title 1, Sec. 354.1432 &amp; TX Govt. Code Sec. 531.0216. (2016).</i></p> <p>Telemedicine eligible distant site providers:</p> <ul style="list-style-type: none"> <li>● Physician</li> <li>● Certified Nutrition Specialist</li> <li>● Nurse Practitioner</li> <li>● Physician Assistant</li> <li>● Certified Nurse Midwife</li> </ul> <p><i>Source: TX Medicaid Telecommunication Services Handbook, pg. 5, (Apr. 2017). (Accessed Mar. 2017).</i></p> <p>Telehealth eligible distant site providers</p> <ul style="list-style-type: none"> <li>● Licensed professional counselors</li> <li>● Licensed marriage and family therapist</li> </ul>

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	<ul style="list-style-type: none"> <li>• Licensed clinical social worker</li> <li>• Psychologist</li> <li>• Licensed psychological associate</li> <li>• Provisionally licensed psychologist</li> <li>• Licensed dietician</li> </ul> <p><i>Source: TX Medicaid Telecommunication Services Handbook, pg. 7, (Apr. 2017).</i></p> <p>Eligible originating sites (Telecommunication):</p> <ul style="list-style-type: none"> <li>• Established medical site</li> <li>• State mental health facility</li> <li>• State supported living center</li> </ul> <p><i>Source: TX Medicaid Telecommunication Services Handbook. P. 5-6 (Apr. 2017).</i></p> <p>Telemedicine eligible originating (patient) site providers:</p> <ul style="list-style-type: none"> <li>• Physicians;</li> <li>• Physician assistants;</li> <li>• Nurse practitioners;</li> <li>• Clinical nurse specialists;</li> <li>• Outpatient providers</li> </ul> <p><i>Source: TX Admin Code. Title 1, Sec. 355.7001 and TX Medicaid Telecommunication Services Handbook, pg. 6 (Apr. 2017).</i></p> <p>Telehealth eligible originating site presenter:</p> <ul style="list-style-type: none"> <li>• An individual who is licensed or certified in Texas to perform health care services</li> <li>• A qualified mental health professional</li> </ul> <p>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.</p> <p><i>Source: TX Medicaid Telecommunication Services Handbook, pg. 8 (July. 2016).</i></p> <p>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.</p> <p><i>Source: TX Medicaid Telecommunication Services Handbook, pg. 4, (Apr. 2017).</i></p> <p>There is distant-site physician reimbursement for assessment and evaluation office visit if:</p> <ul style="list-style-type: none"> <li>• A health professional under the physician's supervision is present with the patient for the visit;</li> <li>• The medical condition, illness, or injury for which</li> </ul>

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	<p>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><i>Source: TX Govt. Code Sec. 531.0217.</i></p> <p>Provider reimbursement must be the same as in-person services.</p> <p><i>Source: TX Admin. Code, Title 1 Sec. 355.7001.</i></p> <p>Telemedicine services are not required if an in-person consultation with a physician is reasonably available where the patient resides or works.</p> <p>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.</p> <p>With patient consent, the primary care provider must be notified of the telemedicine medical service for the purpose of sharing medical information.</p> <p><i>Source: TX Govt. Code Sec. 531.0217.</i></p> <p>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 mental health diagnosis or condition.</p> <p><i>Source: TX Admin. Code, Title 1, Sec. 354.1432 &amp; TX Medicaid Telecommunication Services Handbook, pg. 6 (Apr. 2017).</i></p>
<b>Store and Forward Reimbursement</b>	
(see Medicaid column)	<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><i>Source: TX Medicaid Telecommunication Services Handbook, pg. 4, (Apr. 2017).</i></p> <p>TX Government Code includes a definition of “Telemedicine Medical Service” and “Telehealth Services” 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>

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	<p><i>Source: TX Government Code, Sec. 531.001.</i></p>
<b>Remote Patient Monitoring Reimbursement</b>	
<p>No reference found.</p>	<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><i>Source: TX Admin Code, Title 1, Sec. 355.7001.</i></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>Data must be reviewed by a registered nurse, nurse practitioner, clinical nurse specialist, or physician assistant who is responsible for reporting data to the prescribing physician in the event of a measurement outside the established parameters.</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><i>Source: TX Medicaid Telecommunication Services Handbook, pg. 8-9, (Apr. 2017).</i></p> <p>Home Telemonitoring is available only to patients who:</p> <ul style="list-style-type: none"> <li>• Are diagnosed with diabetes, hypertension; or</li> <li>• 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.</li> </ul> <p>Patients that meet the above criteria must exhibit two or more of the following risk factors:</p> <ul style="list-style-type: none"> <li>• Two or more hospitalizations in the prior 12 month period</li> <li>• Frequent or recurrent emergency room admissions</li> <li>• A documented history of poor adherence to ordered medication regimens</li> </ul>

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	<ul style="list-style-type: none"> <li>• A documented history of falls in the prior six month period</li> <li>• Limited or absent informal support system</li> <li>• Living alone or being home alone for extended periods of time; and</li> <li>• A documented history of care access challenges</li> </ul> <p>Providers must be enrolled and approved as home telemonitoring services providers.</p> <p>The home health agency must maintain extensive documentation in the patient's medical record.</p> <p><i>Source: TX Admin Code, Title 1, Sec. 354.1434 &amp; TX Medicaid Telecommunication Services Handbook, pg. 9, (Apr. 2017).</i></p>
<b>Email/Phone/FAX</b>	
<p>For speech-language pathology and audiology, no reimbursement for correspondence only, e.g., telephone, email, or FAX, although they may be adjuncts to tele-practice.</p> <p><i>Source: TX Admin. Code, Title 22, Sec. 741.214. TX Admin. Code, Ch. 112, Sec.112.150. (2016).</i></p>	<p>No reimbursement for email. No reimbursement for telephone. No reimbursement for FAX. No reimbursement for chart review.</p> <p><i>Source: TX Medicaid Telecommunication Services Handbook, pg. 4, (Apr. 2017).</i></p>
<b>Online Prescribing</b>	
<p>Treatment and consultation recommendations made in an online setting, including issuing a prescription via electronic means, will be held to the same standards of appropriate practice as those in traditional in-person clinical settings.</p> <p>Online or telephone evaluations solely by questionnaire are prohibited.</p> <p><i>Source: TX Admin. Code, Title 22, Sec. 174.8.</i></p> <p>A physician-patient relationship (needed to prescribe any dangerous drug or controlled substance) requires either an in-person exam or the patient to be located at an Established Medical Site. This does not apply for mental health services, except in cases of behavioral emergencies.</p> <p><i>Source: TX Admin. Code, Title 22, Part 9, Ch. 190 (Injunction filed).</i></p>	<p>No reference found.</p>
<b>Consent</b>	
<p>Consent required prior to telemedicine or telehealth services.</p> <p>Either originating or distant site health professionals shall obtain this consent.</p> <p>For a child receiving telemedicine services in a primary school based setting, advance parent or legal guardian</p>	<p>No reference found.</p>

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<p>consent must be obtained.</p> <p><i>Source: TX Occupational Code Sec. 111.002. TX Admin. Code, Title 1, Sec. 354.1432. (2016).</i></p>	
<b>Location</b>	
<p>An established medical site may include the patient's home, including a group or institutional setting, for the delivery of mental health services. If for other medical services other than mental health services, the patient's home or group or institutional setting may be an established medical site if:</p> <ul style="list-style-type: none"> <li>• A patient site presenter is present;</li> <li>• There is a defined physician-patient relationship</li> <li>• The patient site presenter has sufficient communication and remote medical diagnostic technology to allow the physician to carry out an adequate physical examination appropriate for the patient's presenting condition while seeing and hearing the patient in real time.</li> </ul> <p><i>Source: TX Administrative Code Sec. Title 22 Section 174.6.</i></p> <p><i>(See Medicaid column)</i></p>	<p>Telemedicine/Telehealth eligible originating (patient) sites:</p> <ul style="list-style-type: none"> <li>• An established medical site</li> <li>• A state mental health facility</li> <li>• State supported living centers.</li> </ul> <p><i>Source: TX Medicaid Telecommunication Services Handbook, pg. 5-6, (Feb. 2016). TX Admin. Code, Title 1, Sec. 354.1432.</i></p> <p>Services may take place in a school-based setting if:</p> <ul style="list-style-type: none"> <li>• The physician is an authorized health care provider under Medicaid;</li> <li>• The patient is a child who receives the service in A primary or secondary school-based setting;</li> <li>• The parent or legal guardian of the patient provides consent before the service is provided; and</li> <li>• A health professional is present with the patient during treatment.</li> </ul> <p>There must be a patient site presenter, with the exception of mental health services.</p> <p><i>Source: TX Bill HB 1878(2015); 1 TAC Sec. 355.7001; &amp; TAC 354.1432.</i></p>
<b>Cross-State Licensing</b>	
<p>A telemedicine license may be issued for out of state providers.</p> <p><i>Source: TX Admin. Code, Title 22, Sec. 172.12 &amp; TX Occupation Code Section 151.056.</i></p>	No reference found.
<b>Private Payers</b>	
<p>Requires coverage of telemedicine services, subject to contract terms and conditions.</p> <p><i>Source: TX Insurance Code Sec. 1455.004.</i></p>	No reference found.
<b>Site/Transmission Fee</b>	
<p><i>(see Medicaid column)</i></p>	<p>Telemedicine patient site locations are reimbursed a facility fee.</p> <p><i>Source: TX Admin. Code, Title 1 Sec. 355.7001 &amp; TX Medicaid Telecommunication Services Handbook, pg. 6 (Apr. 2017).</i></p>
<b>Miscellaneous</b>	
	<u>Children's Health Insurance Program</u>

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	<p>Allows reimbursement for live video telemedicine and telehealth services to children with special health care needs.</p> <p><i>Source: TX Govt. Code Sec. 531.02162</i></p> <p>Must use the “95” modifier for telemedicine/telehealth services (except for services that already indicate remote delivery in the description).</p> <p><i>Source: TX Medicaid Telecommunication Services Handbook, pg. 5 (Apr. 2017).</i></p>

**Comments:** Professional Board Telehealth-Specific Regulations

- TX Medical Board (*Source: TX Admin. Code, Title 22, Part 9, Ch. 190*)
- TX Board of Speech Pathology and Audiology (*Source: TX Admin. Code, Ch. 112, Sec.112.150. (2016).*)
- TX Board of Occupational Therapy Examiners (*Source: TX Admin. Code, Title 3, Subtitle H, Ch. 372.1*)

Legislation established a pilot project to provide emergency medical services instruction and emergency prehospital care instruction through a telemedicine medical service provided by regional trauma resource centers to:

- Health care providers in rural area trauma facilities and
- Emergency medical services providers in rural areas.

*Source: TX Bill HB 479 (2015)).*

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, Ch. 112, Sec.351.801. (2016).*