

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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Definition of telemedicine/telehealth	
<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"> • 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.” <p><i>Source: TX Admin. Code, Title 1 Sec. 354.1430</i></p> <p><u>Speech-Language Pathology and Audiology</u> 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 hardwire 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"> • 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. <p><i>Source: TX Government Code, Sec. 531.001 & TX Admin. Code, Title 1 Sec. 354.1430 & TX Medicaid Telecommunication Services Handbook, pg. 6, (Apr. 2018).</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"> • 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.

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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>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.”</p> <p><i>Source: TX Admin. Code, Title 40 Sec. 362.1.</i></p> <p>Recently Passed Legislation (Now Effective) 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.</p> <p>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.</p> <p><i>Source: TX Occupations Code 111.001 (SB 1107 – 2017)</i></p>	<p><i>Source: TX Admin. Code, Title 1 Sec. 354.1430 & TX Medicaid Telecommunication Services Handbook, pg. 5, (Apr. 2018).</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"> • 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. <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>
Live Video Reimbursement	
<p>TX Medicaid 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.</p> <p>A health professional is defined as:</p> <ul style="list-style-type: none"> • Licensed social worker, occupational therapist or speech language pathologist 	<p>Texas Medicaid reimburses for live video for the following services:</p> <ul style="list-style-type: none"> • Consultations; • Office or other outpatient visits; • Psychiatric diagnostic interviews; • Pharmacologic management; • Psychotherapy • Data transmission <p><i>Source: TX Admin. Code, Title 1, Sec. 354.1432 & TX Govt. Code Sec. 531.0216. (2016).</i></p>

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<ul style="list-style-type: none"> ● Licensed professional counselor ● Licensed marriage and family therapist ● Licensed specialist in school psychology. <p><i>Source: TX Government Code Sec. 531.02171.</i></p>	<p>Telemedicine eligible distant site providers:</p> <ul style="list-style-type: none"> ● Physician ● Certified Nutrition Specialist ● Nurse Practitioner ● Advanced Practice Registered Nurse (APRNs) ● Physician Assistant ● Certified Nurse Midwife <p>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.</p> <p><i>Source: TX Medicaid Telecommunication Services Handbook, pg. 5, (Apr. 2018). (Accessed Mar. 2017).</i></p> <p>Telehealth eligible distant site providers</p> <ul style="list-style-type: none"> ● Licensed professional counselors ● Licensed marriage and family therapist ● Licensed clinical social worker ● Psychologist ● Licensed psychological associate ● Provisionally licensed psychologist ● Licensed dietician <p><i>Source: TX Medicaid Telecommunication Services Handbook, pg. 7, (Apr. 2018).</i></p> <p>Eligible originating sites (Telecommunication):</p> <ul style="list-style-type: none"> ● Established medical site ● State mental health facility ● State supported living center <p><i>Source: TX Medicaid Telecommunication Services Handbook. P. 5-6 (Apr. 2018).</i></p> <p>Telemedicine eligible originating (patient) site providers:</p> <ul style="list-style-type: none"> ● Physicians; ● Physician assistants; ● Nurse practitioners; ● Clinical nurse specialists; ● Outpatient providers <p><i>Source: TX Admin Code. Title 1, Sec. 355.7001 and TX Medicaid Telecommunication Services Handbook, pg. 6 (Apr. 2018).</i></p> <p>Telehealth eligible originating site presenter:</p> <ul style="list-style-type: none"> ● An individual who is licensed or certified in Texas to perform health care services ● A qualified mental health professional <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</p>

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	<p>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. 2018).</i></p> <p>There is distant-site physician reimbursement for assessment and evaluation office visit if:</p> <ul style="list-style-type: none"> • A health professional under the physician’s supervision is present with the patient for the visit; • 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><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</p>

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	<p>the service. Exception for mental health diagnosis or condition.</p> <p><i>Source: TX Admin. Code, Title 1, Sec. 354.1432 & TX Medicaid Telecommunication Services Handbook, pg. 6 (Apr. 2018).</i></p> <p>See provider manual for special rules for Texas Health Steps program.</p> <p><i>Source: TX Medicaid Telecommunication Services Handbook, pg. 6 (Apr. 2018).</i></p> <p>Telemedicine: For new conditions, the patient site presenter must be readily available (in the same room or in close proximity) 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).</p> <p>Telehealth: Before receiving telehealth services, the client must receive an initial evaluation for the same diagnosis performed in person or via telemedicine, except for mental health. Clients receiving telehealth services must be evaluated at least annually by a physician or health care professional in person or via telemedicine, except for mental health services.</p>
Store and Forward Reimbursement	
(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. 2018).</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> <p><i>Source: TX Government Code, Sec. 531.001.</i></p>
Remote Patient Monitoring Reimbursement	
No reference found.	<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>

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	<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. 2018).</i></p> <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>Patients that meet the above 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>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 & TX Medicaid Telecommunication Services Handbook, pg. 9, (Apr. 2018).</i></p>

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Email/Phone/FAX	
<p>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.</p> <p><i>Source: TX Insurance Code 1455.004 & .005 (SB 1107 – 2017)</i></p> <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. 2018).</i></p>
Online Prescribing	
<p>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:</p> <ul style="list-style-type: none"> • Has a preexisting practitioner-patient relationship with the patient established; • Communicates 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. <ul style="list-style-type: none"> • Synchronous audiovisual interaction • Asynchronous store and forward technology as long as practitioner uses relevant clinical information • Another form of audiovisual telecommunication technology that allows the practitioner to comply with the appropriate standard of care <p>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.</p> <p>A practitioner-patient relationship is not present for purposes of prescribing an abortifacient or other drug or</p>	<p>Telemedicine medical services provided at an established medical site may be used for all client visits, including the establishment of a defined physician-client relationship between a distant site provider and a client.</p> <p><i>Source: TX Medicaid Telecommunication Services Handbook, pg. 7, (Apr. 2018).</i></p>

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<p>device to terminate a pregnancy.</p> <p>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.</p> <p>This section does not apply to mental health services.</p> <p><i>Source: TX Occupations Code 111.005-008 (SB 1107 – 2017)</i></p> <p>A valid prescription must be issued for a legitimate medical purpose and meet all other applicable laws before prescribing.</p> <p>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.</p> <p><i>Source: TX Admin. Code, Title 22, Part 9, Ch. 174</i> http://texreg.sos.state.tx.us/public/readtac\$ext.ViewTAC?tac_view=5&ti=22&pt=9&ch=174&sch=A&rl=Y</p> <p>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.</p> <p><i>Source: TX Admin. Code, Title 22, Part 9, Ch. 190.8</i> http://texreg.sos.state.tx.us/public/readtac\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=22&pt=9&ch=190&rl=8</p>	
Consent	
<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 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>	<p>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.</p> <p>A good faith effort must be made to obtain written acknowledgement of notification of privacy practices, when communicating via email or other electronic method.</p> <p>Signed and dated informed consent required before providing services via telemedicine.</p> <p><i>Source: TX Medicaid Telecommunication Services Handbook, pg. 5 (Apr. 2018).</i></p>

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Location	
(See Medicaid column)	<p>Telemedicine/Telehealth eligible originating (patient) sites:</p> <ul style="list-style-type: none"> • An established medical site • A state mental health facility • State supported living centers. <p>A patient's home is not an established medical site, except when services are limited to mental health services. For medical services the following requirements must be met to be provided in the clients' home:</p> <ul style="list-style-type: none"> • A patient site presenter is present • There is a defined physician-client relationship • 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. <p><i>Source: TX Medicaid Telecommunication Services Handbook, pg. 5-8, (Apr. 2018). 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"> • 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. <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; & TAC 354.1432.</i></p> <p><u>Other Sites</u> For telemedicine medical services that are provided at a site other than an established medical site, the following apply:</p> <ul style="list-style-type: none"> • 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 be used to treat chronic pain with scheduled drugs <p>A distant site provider may treat an established client's new symptoms, however the client must be advised to see a physician face to face within 72 hours. They</p>

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	<p>cannot continue to be treated if they have not seen a physician within 72 hours.</p> <p>A distant site provider who provides telemedicine services at a site other than an established medical site for a previously diagnosed medical condition must:</p> <ul style="list-style-type: none"> • 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. <p><i>Source: TX Medicaid Telecommunication Services Handbook, pg. 5-8, (Apr. 2018).</i></p>
Cross-State Licensing	
<p>A telemedicine license may be issued for out of state providers.</p> <p><i>Source: TX Admin. Code, Title 22, Sec. 172.12 & TX Occupation Code Section 151.056.</i></p> <p>An out-of-state physician may provide episodic consultation without a TX medical license.</p> <p><i>Source: TX Admin. Code, Title 22, Part 9, Ch. 174)</i></p>	<p>No reference found.</p>
Private Payers	
<p>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.</p> <p>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.</p> <p><i>Source: TX Insurance Code 1455.004 & .005 (SB 1107 – 2017)</i></p> <p>Requires coverage of telemedicine services, subject to contract terms and conditions.</p> <p><i>Source: TX Insurance Code Sec. 1455.004 (valid until Dec. 31, 2017).</i></p>	<p>No reference found.</p>
Site/Transmission Fee	
<p>(see Medicaid column)</p>	<p>Telemedicine patient site locations are reimbursed a facility fee. It is not a benefit if the patient is the client's home.</p>

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	<p><i>Source: TX Admin. Code, Title 1 Sec. 355.7001 & TX Medicaid Telecommunication Services Handbook, pg. 6 (Apr. 2018).</i></p>
Miscellaneous	
<p>Physicians that communicate with patients by electronic communications other than telephone or facsimile must provide patients with written or electronic notification of the physicians' privacy practices prior to evaluation. A good faith effort must be made to obtain the patient's written or electronic acknowledgement.</p> <p><i>Source: TX Admin. Code, Title 22, Part 9, Ch. 174</i></p>	<p>Children's Health Insurance Program 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). See manual for codes that can be billed with the 95 modifier.</p> <p><i>Source: TX Medicaid Telecommunication Services Handbook, pg. 5 (Apr. 2018).</i></p> <p>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.</p> <p>See provider manual for other information security and documentation requirements.</p> <p><i>Source: TX Medicaid Telecommunication Services Handbook, pg. 5 (Apr. 2018).</i></p> <p>Fees for telemedicine, telehealth and home telemonitoring services are adjusted within available funding.</p> <p><i>Source: TX Admin Code. 355.7001.</i></p>

Comments: 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. 112, Sec.112.150.*
- 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).