

# Texas

**Medicaid Program:** Texas Medicaid

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

**Regional Telehealth Resource Center:** TexLa Telehealth Resource Center <http://www.texlatrc.org>

## Texas Policy At-a-Glance

MEDICAID REIMBURSEMENT			PRIVATE PAYER LAW		PROFESSIONAL REQUIREMENTS	
LIVE VIDEO	STORE-AND-FORWARD	REMOTE PATIENT MONITORING	LAW EXISTS	PAYMENT PARITY	LICENSURE COMPACTS	CONSENT REQUIREMENT
✓	✓	✓	✓	✗	NLC, PTC, PSYPACT, EMS	✓

## Texas Detailed Policy

Medicaid Telehealth Reimbursement	Summary	<p>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.</p>
	Definitions	<p>“Telehealth service” means a health service, other than a telemedicine medical service, 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>“Telemedicine medical service” means a health care service, 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><b>Source:</b> TX Admin. Code, Title 1 Sec. 354.1430. (Accessed Sept. 2020).</p> <p>“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>



“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:** TX Government Code, Sec. 531.001 (refers to Occupations Code, Sec. 111.001). (Accessed Sept. 2020).

Telemedicine medical services are defined as healthcare services delivered by a physician licensed in Texas or a health professional who acts under the delegation and supervision of a health professional licensed in Texas and within the scope of the health professional’s license to a patient at a different location using telecommunications or information technology.

Telehealth services are defined as health-care 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:** TX Medicaid Telecommunication Services Handbook, Sept. 2020, p. 5, 9 (Sept. 2020). (Accessed Sept. 2020).

Synchronous audiovisual interaction is reimbursable under Texas Medicaid.

**Source:** TX Medicaid Telecommunication Services Handbook, Sept. 2020, p. 7 (Sept. 2020) (Accessed Sept. 2020).

Provider reimbursement for telemedicine services must be at the same rate as Medicaid reimburses for the same in-person medical service. A request for reimbursement may not be denied solely because an in-person medical service between a physician and a patient did not occur. The commission may not limit a physician’s choice of platform for providing a telemedicine medical service or telehealth service by requiring that the physician use a particular platform to receive reimbursement for the service.

**Source:** TX Govt. Code Sec. 531.0217(d). (Accessed Sept. 2020).

Eligible distant site providers are reimbursed in the same manner as their other professional services.

**Source:** TX Admin. Code, Title 1 Sec. 355.7001. (Accessed Sept. 2020).

**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.

A request for reimbursement may not be denied solely because an in-person medical service between a physician and a patient did not occur. Medicaid cannot limit a physician’s choice of platform for providing a telemedicine or telehealth service by requiring the use of a particular platform to receive reimbursement.

With patient consent, the primary care provider must be notified of the telemedicine medical service for the purpose of sharing medical information. In the case of a service provided to a child in a school-based setting, the notification, if any, 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 along with a list of primary care physicians or providers from which the patient may select the patient’s primary care physician or provider.

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; and
- The parent or legal guardian of the patient provides consent before the services is provided.

**Source:** TX Govt. Code Sec. 531.0217. (SB – 670). (Accessed Sept. 2020).

**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. If the patient is receiving the telehealth services to treat a mental health diagnosis or condition, the patient is not required to receive an initial evaluation.

**Source:** TX Admin. Code, Title 1, Sec. 354.1432(2). (Accessed Sept. 2020).

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

**Source:** TX Medicaid Telecommunication Services Handbook, Feb. 2020, p. 6 (Sept. 2020). (Accessed Sept. 2020).

**Telemedicine & Telehealth**

Texas Medicaid reimburses for telemedicine and telehealth 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, p. 4, 6, & 10, (Sept. 2020). (Accessed Sept. 2020).

**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.

**Source:** TX Admin. Code, Title 1, Sec. 354.1432(1) (Sept. 2020). (Accessed Sept. 2020).

Certain outpatient mental health services may be provided by distant site providers through telemedicine or telehealth when billed with modifier 95.

Mental health services delivered through telemedicine or telehealth do not require a patient site presenter unless the patient is experiencing a mental health emergency.

Prescribing of certain MAT medications may be done via telemedicine presuming all other applicable state and federal laws are followed. With the exception of prescribing MAT medications via telemedicine, SUD treatment services may not be delivered via telemedicine or telehealth.

**Source:** TX Medicaid Behavioral Health and Case Management Svcs. Handbook, p. 24 & 72-73, (Sept. 2020). (Accessed Sept. 2020).

THSteps preventive medical checkups are not a benefit under telemedicine or telehealth.

**Source:** : TX Medicaid Children's Services Handbook, p. 175, (Sept. 2020). (Accessed Sept. 2020).



Use of telemedicine medical services is not permitted for the treatment of a client for chronic pain with scheduled drugs. However, telemedicine medical service is permitted to be used in the treatment of acute pain with scheduled drugs.

**Source:** TX Medicaid Telecommunication Services Handbook, p. 8, (Sept. 2020). (Accessed Sept. 2020).

School based telehealth services, SHARS telehealth services and early childhood intervention telehealth services are allowed for certain codes and certain circumstances. See 'Eligible Provider' section below or provider manual for more details.

**Source:** TX Medicaid Telecommunication Services Handbook, p. 10-11, (Sept. 2020). (Accessed Sept. 2020).

Telemedicine eligible distant site providers are enrolled as a Texas Medicaid provider and are a:

- Physician
- Clinical Nurse Specialist (CNS)
- Nurse Practitioner (NP)
- Advanced Practice Registered Nurse (APRNs) (in administrative code only)
- 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, p. 5, (Sept. 2020) & TX Admin Code. Title 1, Sec. 355.7001. (Accessed Sept. 2020).

Telehealth eligible distant site providers listed in both Administrative Code & Telecommunications Medicaid Manual

- Licensed professional counselors
- Licensed marriage and family therapist (LMFT)
- Licensed clinical social worker (LCSW) (including Comprehensive Care Program social workers)
- Licensed psychologist
- Licensed psychological associate
- School Health and Related Services (SHARS)

Telehealth eligible distant sites listed in Administrative Code only:

- Durable medical equipment suppliers

Telehealth eligible distant sites listed in Telecommunications Medicaid Manual only:

- Early Childhood Intervention (ECI)
- Provisionally licensed psychologist
- Licensed dietician
- CCP providers (occupational therapist, speech-language pathologist)
- Home health agency
- Post-doctoral psychology fellows and pre-doctoral psychology interns under a psychologist supervision

**Source:** TX Medicaid Telecommunication Services Handbook, p. 9 (Sept. 2020). & TX Admin Code. Title 1, Sec. 355.7001. (Accessed Sept. 2020).

**School-Based Telehealth Services**

Occupational Therapist (OT) and Speech Therapist (ST) providers may be reimbursed for telehealth services delivered to children in school-based settings with the following criteria:

- Reimbursement for OT and ST providers is only available when the patient site is a school-based setting.
- Children receiving telehealth services rendered by OT and ST providers must be eligible for these services through Texas Health Steps comprehensive Care Program (CCP).



Eligible Providers

- All medical necessity criteria and prior authorization requirements for in-person OT and ST services apply when services are delivered to children in school-based settings.
- Services provided to a patient on public school or open-enrollment charter school premises are only permitted when delivered before or after school hours.

All other prior authorization, reimbursement, and billing guidelines that are applicable to in-person services will also apply when OT and ST services are delivered as telehealth services.

Licensed clinical social workers (LCSW), licensed professional counselors (LPC), licensed marriage and family therapists (LMFT), and psychologist providers may be reimbursed for telehealth services in school-based settings.

Children receiving telehealth services rendered by LCSW, LPC, LMFT, and psychologist providers must be eligible for these services through Texas Health Steps CCP or through SHARS.

**Source:** TX Medicaid Telecommunication Services Handbook, p. 10 (Sept. 2020) & Telehealth Services Benefit Policy Update, p. 2 Effective Aug. 1, 2019. (Accessed Sept. 2020).

**Early Childhood Intervention**

Effective for dates of service on or after March 1, 2020, telehealth services delivered remotely to children who are eligible for the Early Childhood Intervention (ECI) Program and Medicaid will become a benefit for ECI providers.

Services can be billed with modifiers for occupational therapy (OT) services, speech therapy (ST) services, acute OT or ST services.

**Source:** TX Medicaid News Item, "Telehealth Services Will Become a Benefit for Early Childhood Intervention Providers Effective March 1, 2020," Jan. 6, 2020 & TX Medicaid Telecommunication Services Handbook, p. 11 (Sept 2020). (Accessed Sept. 2020).

Eligible Sites

Telemedicine/Telehealth eligible originating (patient) sites:

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

**Source:** TX Admin. Code, Title 1, Sec. 354.1432(1)(C). (Accessed Sept. 2020).

A patient site is the place where the client is physically located. A client's home may be the patient site for telemedicine medical services.

**Source:** TX Medicaid Telecommunication Services Handbook, pg. 8 & 12 (Sept. 2020). (Accessed Sept. 2020).

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.

A health professional is defined as:

- Licensed, registered certified, or otherwise authorized by Texas to practice as a 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. (Accessed Sept. 2020).



Eligible Sites

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 Admin. Code, Title 1, Sec. 355.7001(f); & TX Admin. Code, Title 1, Sec. 354.1432(1)(G). (Accessed Sept. 2020).

**School-Based Telehealth Services**

Occupational therapists and speech therapists may be reimbursed for telehealth services delivered to children in school-based settings if the patient is eligible for those services through Texas Health Steps-Comprehensive Care Program (CCP). Services delivered to a patient on public or open-enrollment charter school premises may only be delivered before or after school hours.

**Source:** TX Medicaid Telecommunication Services Handbook, p. 10 (Sept. 2020). (Accessed Sept. 2020).

**School Health and Related Services (SHARS)**

Schools that participate in the SHARS program may be reimbursed for telehealth OT and ST services delivered to children in school-based settings with the following criteria:

- Children who are eligible for OT and ST services through SHARS may receive additional therapy through Texas Health Steps-CCP if medical necessity criteria is met.
- OT and ST services provided by school districts through SHARS can be delivered during school hours.

**Source:** TX Medicaid Telecommunication Services Handbook, p. 11 (Sept. 2020) & Telehealth Services Benefit Policy Update, p. 2 Effective Aug. 1, 2019. (Accessed Sept. 2020).

Geographic Limits

No reference found.

Facility/Transmission Fee

Patient-site providers that are enrolled in Texas Medicaid may only be reimbursed for the facility fee using procedure code Q3014. Procedure code Q3014 is payable to NP, CNS, PA, physicians, and outpatient hospital providers. Charges for other services that are performed at the patient site may be submitted separately. Procedure code Q3014 is not a benefit if the patient site is the client’s home.

**Source:** TX Admin. Code, Title 1 Sec. 355.7001(d) & TX Medicaid Telecommunication Services Handbook, p. 8 (Sept. 2020). (Accessed Sept. 2020).



Store-and-Forward

Policy

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:

- 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 may also be used.

**Source:** TX Medicaid Telecommunication Services Handbook, pg. 7 & 12. (Accessed Sept. 2020).

TX Administrative Code includes 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.”

**Source:** TX Admin. Code, Title 1 Sec. 354.1430. (Accessed Sept. 2020).

Reimbursement to eligible providers must be made in the same manner as in-person services.

**Source:** TX Admin. Code, Title 1 Sec. 355.7001. (Accessed Sept. 2020).

Eligible Services/Specialties

No reference found.

Geographic Limits

No reference found.

Transmission Fee

No reference found.



Home telemonitoring service means “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 and community support services agency or a hospital”.

**Source:** TX Government Code, Sec. 531.001(4-a). (Accessed Sept. 2020).

Texas Medicaid will reimburse for home telemonitoring in the same manner as their other professional services provided by a home health agency.

**Source:** TX Admin Code, Title 1, Sec. 355.7001(e). (Accessed Sept. 2020).

Home telemonitoring is a health service that requires scheduled remote monitoring of data related to a client’s health, and transmission of the data from the client’s home to a licensed home health agency or a hospital. The data transmission must comply with standards set by HIPPA. Data parameters are established as ordered by a physician’s plan of care.

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. Limited to once per seven days and are denied if they are submitted within the postoperative period of a previously completed procedure or within seven days of a related evaluation and management service by the same provider.

Must be provided by a NP, CNS, PA, or physician provider. Scheduled periodic reporting of the client data to the physician is required, even when there have been no readings outside the parameters established in the physician’s orders. Telemonitoring providers must be available 24 hours a day, 7 days a week. Although transmissions are generally at scheduled times, they can occur any time of the day or any day of the week, according to the client’s plan of care.

The initial setup and installation is reimbursed when provided by a home health agency or outpatient hospital.

Home telemonitoring services must be authorized by TX Medicaid. Clients must be diagnosed with diabetes or hypertension and exhibit two or more risk factors (see provider manual).

**Source:** TX Medicaid Telecommunication Services Handbook, pg. 13-15 (Sept. 2020). (Accessed Sept. 2020).

Home telemonitoring services may be approved for up to 60 days per prior authorization request. If additional home telemonitoring services are needed, the home health agency or hospital must request prior authorization before the current prior authorization period ends.

**Source:** TX Medicaid Telecommunication Services Handbook, pg. 14 (Sept. 2020). (Accessed Sept. 2020).

The hospital or home health agency is responsible for the provision and maintenance of home telemonitoring equipment, including the setup and installation of equipment in the client’s home. Reimbursement is limited to once per episode of care even if monitoring parameters are added after initial setup and installation. A claim for a subsequent set up and installation is not reimbursed unless there is a documented new episode of care or unless the provider submits documentation of extenuating circumstances that require another installation of telemonitoring equipment.

Home monitoring is a benefit when services are provided by a home health agency or an outpatient hospital. Providers must submit the revenue and modifier codes as specified in the Telecommunication Services Handbook.

**Source:** TX Medicaid Telecommunication Services Handbook, pg. 13 (Sept. 2020). (Accessed Sept. 2020).



Conditions

Home Telemonitoring is available only to patients who:

- Are diagnosed with diabetes, hypertension; or
- When it is determined by Texas Health and Human Services Commission to be cost effective and feasible (in Administrative Code only).

To be eligible for home telemonitoring services, clients who are diagnosed with diabetes or hypertension must exhibit two or more of the following risk factors:

- Two or more hospitalizations in the previous 12-month period
- Frequent or recurrent emergency department visits
- A documented history of poor adherence to ordered medication regime
- Documented history of falls in the previous 6-month period
- Limited or absent informal support systems
- Living alone or being home alone for extended periods of time
- A documented history of care access challenges

**Source:** TX Admin Code. Title 1, Sec. 354.1434 & TX Medicaid Telecommunication Services Handbook, p. 14 (Sept. 2020). (Accessed Sept. 2020).

The following conditions are also included in telemonitoring if the commission determines that it is cost-effective and feasible: pregnancy, heart disease, cancer, chronic obstructive pulmonary disease, congestive heart failure, mental illness, asthma, myocardial infarction or stroke.

Home telemonitoring services are also available to pediatric persons who:

- Are diagnosed with end-stage solid organ disease;
- Have received an organ transplant; or
- Require mechanical ventilation.

**Source:** TX Government Code Sec. 531.02164. (HB – 1063). (Accessed Sept. 2020).

Provider Limitations

Providers must:

- Comply with all applicable federal, state and local laws and regulations;
- Be enrolled and approved as home telemonitoring services providers;
- Bill for the services covered under the Texas Medicaid Program in the manner and format prescribed by HHSC;
- Share clinical information gathered while providing home telemonitoring services with the patient’s physician; and
- Not duplicate disease management program services.

See specific documentation requirements for telemonitoring providers in manual.

**Source:** TX Admin Code. Title 1, Sec. 354.1434(c), TX Medicaid Telecommunication Services Handbook, pg. 15-16. (Accessed Sept. 2020).

Other Restrictions

Requests for additional home telemonitoring services that are received after the current prior authorization expires will be denied for dates of service that occurred before the date the submitted request was received.

**Source:** TX Medicaid Telecommunication Services Handbook, pg. 14 (Sept. 2020). (Accessed Sept. 2020).



Email / Phone / Fax

A health benefit plan, including a Texas Medicaid managed care organization (MCO), is not required to provide reimbursement for telemedicine medical services that are provided through only synchronous or asynchronous audio interactions including:

- An audio-only telephone consultation
- A text-only email message
- A facsimile transmission

**Source:** TX Medicaid Telecommunication Services Handbook, pg. 7 & 12 (Sept. 2020). (Accessed Sept. 2020).

For behavioral health and case management services, service coordination funded as TCM can be reimbursed as a Supportive Encounter, which can be face-to-face, telephone telemedicine contact with an individual or with a collateral on the individual’s behalf to provide service coordination. An audio-only telephone consultation.

**Source:** TX Medicaid Behavioral Health and Case Management Services Handbook, pg. 28 (Sept. 2020). (Accessed Sept. 2020).

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.

Distant site providers that communicate with clients using electronic communication methods other than phone or facsimile must provide clients with written notification of the physician’s privacy practices prior to evaluation and treatment. Providers must make a “good faith effort” to obtain the client’s written acknowledgment of the notice, including by email response. A distant site provider should provide patients who receive a telemedicine medical service with guidance on the appropriate follow-up care.

The distant site must obtain informed consent prior to rendering a telemedicine medical service.

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:** TX Medicaid Telecommunication Services Handbook, pg. 5-6 & 8 (Sept. 2020). (Accessed Sept. 2020).

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 (QMHP-CS).

**Source:** TX Medicaid Telecommunication Services Handbook, pg. 5-6 (Sept. 2020). (Accessed Sept. 2020).

Miscellaneous

**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. 2020).

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, p. 6 and 9-10 (Sept. 2020). (Accessed Sept. 2020).



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, p. 4. (Accessed Sept. 2020).*

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

**Source:** *TX Admin Code. 355.7001(g). (Accessed Sept. 2020).*

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: a prior in-person services; a prior 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 patients with written notification of the physician's privacy practices as well as guidance on appropriate follow-up care.

**Source:** *TX Medicaid Telecommunication Services Handbook, p. 6 (Sept. 2020). (Accessed Sept. 2020).*

A distant site provider may issue a valid prescription as part of a telemedicine medical service. The prescribing physician must be licensed in Texas. If the prescription is for a controlled substance, the prescribing physician must have a current valid U.S. Drug Enforcement Administration (DEA) registration number.

**Source:** *TX Medicaid Telecommunication Services Handbook, p. 7 (Sept. 2020). (Accessed Sept. 2020).*

All patient health information generated or utilized during a telehealth or 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:** *TX Medicaid Telecommunication Services Handbook, p. 5 & 8 (Sept. 2020). (Accessed Sept. 2020).*



Definitions	<p>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 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.</p> <p><b>Source:</b> TX Insurance Code Sec. 1455.001 (refers to Occupations Code Sec. 111.001). (Accessed Sept. 2020).</p>	
	<p>A health benefit plan must provide coverage for a covered health care service or procedure delivered by a preferred or contracted health professional to a covered patient as a telemedicine medical service or telehealth service on the same basis and to the same extent that the plan provides coverage for the service or procedure in an in-person setting. They may not exclude from coverage a covered health care service or procedure delivered by a preferred or contracted health professional to a covered patient as a telemedicine medical service or a telehealth service solely because the covered health care service or procedure is not provided through an in-person consultation.</p> <p>Insurers may not limit, deny, or reduce coverage for a covered health care service or procedure delivered as a telemedicine medical service or telehealth service based on the health professional’s choice of platform for delivering the service or procedure.</p> <p><b>Source:</b> TX Insurance Code Sec. 1455.004 .(Accessed Sept. 2020).</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><b>Source:</b> TX Insurance Code Sec. 1455.006. (Accessed Sept. 2020).</p> <p><b>Worker’s Compensation</b> 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 or telemedicine or telehealth services regardless of where the injured employee is located at the time the telemedicine or telehealth services are provided.</p> <p><b>Source:</b> TX Admin. Code, Title 28 Sec. 2.133.30. (Accessed Sept. 2020).</p>	
Requirements	<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><b>Source:</b> TX Insurance Code 1455.004(a). (Accessed Sept. 2020).</p>	
	<p>No reference found.</p>	
Parity	Service Parity	<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><b>Source:</b> TX Insurance Code 1455.004(a). (Accessed Sept. 2020).</p>
	Payment Parity	<p>No reference found.</p>



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. (Accessed Sept. 2020).

### 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 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 16 Sec. 111.210. (Accessed Sept. 2020).

### Occupational Therapy

Telehealth is a "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."

**Source:** TX Admin. Code, Title 40 Sec. 362.1(39). (Accessed Sept. 2020).

### Physical Therapy

Telehealth is a mode for providing one-on-one physical therapy services to a patient/client and is not a means for supervision of physical therapy aides.

**Source:** TX Admin. Code, Title 22, Sec. 322.5. (Accessed Sept. 2020).

### Veterinary Medical Examiners

"Telemedicine" means veterinary medicine offered or provided by a person to a patient at a different physical location than the person using telecommunications or information technology.

**Source:** TX Admin. Code, Title 22, Sec. 573.68. (Accessed Sept. 2020).

Consent required prior to telemedicine or telehealth services.

A child's parent or legal guardian must provide consent before the child receives telemedicine services in a primary school-based setting.

**Source:** TX Occupational Code Sec. 111.002. & TX Admin. Code, Title 1, Sec. 354.1432. (2016). (Accessed Sept. 2020).



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. (Accessed Sept. 2020).

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. 2020).

Establishing a practitioner-patient relationship is not required for prescription of medication to treat for 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 (see list of applicable diseases in regulation).

**Source:** TX Admin. Code, Title 22, Part 9, Ch. 190.8(1)(L). (Accessed Sept. 2020).



A telemedicine license may be issued for out of state providers. To qualify for an out-of-state telemedicine license, a person must:

- Be 21 years of age or older;
- Be actively licensed to practice medicine in another state which is recognized by the board for purposes of licensure, and not the recipient of a previous disciplinary action by any other state or jurisdiction;
- Not be the subject of a pending investigation by a state medical board or another state or federal agency;
- Have passed the Texas Medical Jurisprudence Examination;
- Complete a board-approved application for an out-of-state telemedicine license for the practice of medicine across state lines and submit the requisite initial fee; and
- Not be denied based on failure to demonstrate the requisite qualifications.

**Source:** TX Admin. Code, Title 22, Sec. 172.12. (Accessed Sept. 2020).

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

**Source:** TX Admin. Code, Title 22, Part 9, Sec. 174.8. (Accessed Sept. 2020).

### Mental Health Services

A health professional may provide a mental health service that is within the scope of the professional's license, certification, or authorization through the use of telemedicine or telehealth to a patient located outside of the state, subject to any applicable regulation of the jurisdiction in which the patient is located.

**Source:** TX Occupations Code 113.002. (Accessed Sept. 2020).

Member of the Recognition of EMS Personnel Licensure Interstate Compact (REPLICA).

**Source:** National Registry of Emergency Medical Technicians, EMS Compact States. (Accessed Sept. 2020).

Texas adopted the Nurses Licensure Compact.

**Source:** Current NLC States & Status. Nurse Licensure Compact. (Accessed Sept. 2020).

Texas adopted the Physical Therapy Compact.

**Source:** Compact Map. Physical Therapy Compact. (Accessed Sept. 2020).

Member of the Psychology Interjurisdictional Compact of the Association of State and Provincial Psychology Boards.

**Source:** Legislative Updates. Psypact. (Accessed Sept. 2020).

### Professional Board Telehealth-Specific Regulations

- TX Medical Board (**Source:** TX Admin. Code, Title 22, Part 9, Ch.174). (Accessed Sept. 2020).
- TX Board of Speech Pathology and Audiology (**Source:** TX Admin. Code, Title 22, Part 32, Sec. 741.211-216).  
TX Board of Occupational Therapy Examiners (**Source:** TX Admin. Code, Title 40, Ch. 372.1) (Accessed Sept. 2020).
- TX Board of Optometry (**Source:** TX Admin. Code, Title 22, Sec. 279.16. Accessed Sept. 2020).
- TX Board of Physical Therapy (**Source:** TX Admin. Code, Title 22, Sec. 322.5. Accessed Sept. 2020).
- TX Board of Veterinary Medical Examiners (**Source:** TX Admin. Code, Title 22, Sec. 573.68. Accessed Sept. 2020).

An e-Health Advisory Committee was established under TX Government Code Section 531.012 and is comprised of no more than 24 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, amended to be effective Jan. 27, 2020). (Accessed Sept. 2020).

