



**TEXAS**  
Health and Human  
Services

# **A Preview of the 88<sup>th</sup> Legislative Session**

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Relations**

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# Key Dates

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- November 14, 2022
  - Prefiling of legislation begins
- January 10, 2023
  - Regular session begins at noon
- March 10, 2023
  - 60-day deadline for bill filing
- May 20, 2023
  - Sin Die



# A look at Bill Filing (So Far)

- HB 592 (Shaheen), relating to the provision of telehealth and telemedicine medical services by certain health professionals located outside of this state; requiring registration to engage in an occupation; authorizing fees.
- HB 594 (Shaheen), relating to the provision of telepharmacy services.
- HB 617 (Darby), relating to a pilot project to provide emergency telemedicine medical services and telehealth services in rural areas.
- SB 137 (West), relating to a counseling and crisis management program for relative or other designated caregivers and children in the managing conservatorship of the Department of Family and Protective Services.

# HB 592

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- Expands definitions of “health professional” and “physician” in the Insurance Code to include an individual licensed or certified by a licensing agency in another state to perform health care services.
- Removes the requirements in the Occupations Code that telehealth, teledentistry, and telemedicine be delivered by physicians licensed in this state.
- Adds a section to the Occupations Code specifying rules and fees for out-of-state medical professionals wishing to deliver these types of services in Texas





# HB 594

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- Repeals requirements related to telepharmacy systems, including the types of health care facilities where telepharmacy systems can be located



# HB 617

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- Creates the Next Generation 9-1-1 Telemedicine Medical Services and Telehealth Services Pilot Project
- Intended to provide emergency medical services instruction and prehospital care instruction through a telemedicine medical service or telehealth services provided by regional trauma resource centers to health care providers in rural area trauma facilities and emergency medical services providers in rural areas.
- This includes the design criteria and protocols for telemedicine and telehealth services, and data collection to evaluate the project.
- Participants in the project will be determined by the Texas Tech University Health Sciences Center.



# SB 137

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- Requires the Department of Family and Protective Services to develop a counseling and crisis management program to provide mental and behavioral telehealth services and mobile mental and behavioral health intervention services to relatives or other designated caregivers and children in the managing conservatorship of the department.
- Requires that services provided must be accessible electronically through the use of a computer or telephone application; and available 24 hours a day, seven days a week.



# PHE Telehealth and Telemedicine Flexibilities

- Authorized the following services to be delivered via audio-only modalities:
  - Evaluation and Management Services
  - Select Behavioral Health Services
  - Psychiatric Diagnostic Evaluation
  - Psychotherapy
  - Peer Specialist Services
  - Screening, Brief Intervention, and Referral to Treatment (SBIRT)
  - Substance Use Disorder Services
  - Mental Health Rehabilitation
- Authorized remote delivery for the following services:
  - Targeted Case Management
  - Occupational Therapy, Physical Therapy, and Speech Therapy
  - Rural Health Center reimbursement for telemedicine and telehealth services
  - Federally Qualified Health Center Reimbursement for telemedicine and telehealth services



# Work In Progress

- House Bill (HB) 4 (87th Legislative Session, 2021):
  - Requires HHSC to allow more services to be delivered using telemedicine, telehealth, and audio-only methods on a permanent basis after the PHE ends if clinically appropriate and cost-effective.
- Senate Bill (SB) 670 (86th Legislative Session, 2021):
  - MCOs have the responsibility to determine which services could be delivered through telemedicine, telehealth, and audio-only methods.
  - MCOs cannot deny reimbursement to health care providers for a Medicaid service or procedure just because it was delivered via telemedicine or telehealth. MCOs also cannot deny or reduce reimbursement for a Medicaid service or procedure based on the health care provider's choice of platform.

More Information Available Here:

[https://www.hhs.texas.gov/services/health/medicaid-chip/provider-information/medicaid-chip-teleservices.](https://www.hhs.texas.gov/services/health/medicaid-chip/provider-information/medicaid-chip-teleservices)



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# Questions and Discussion

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