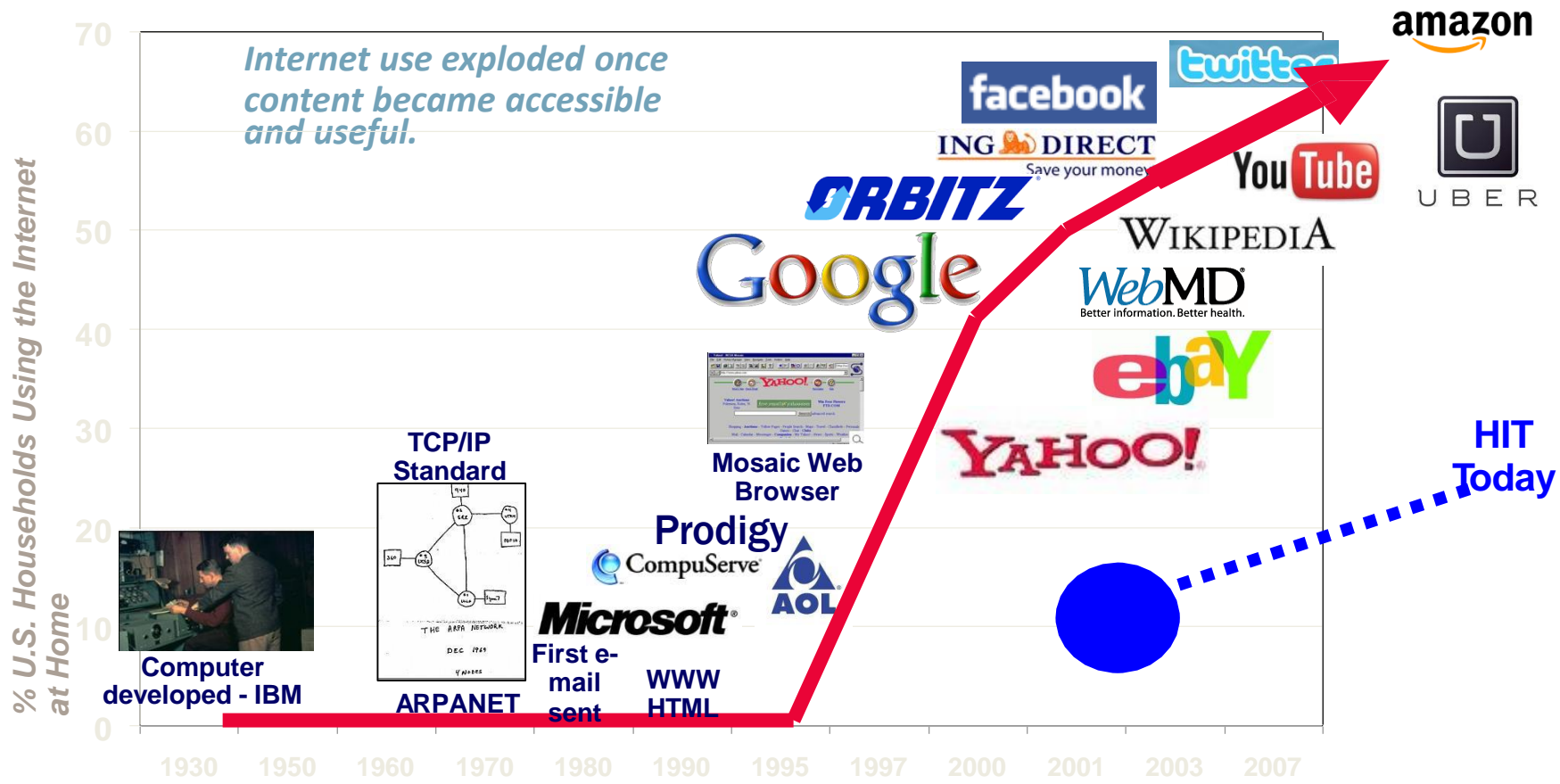




*HIT Issues in the 2017 Session of the Texas Legislature*

Nora Belcher, Executive Director  
Texas e-Health Alliance  
September 27th, 2016

# Internet Revolution: Value to Users



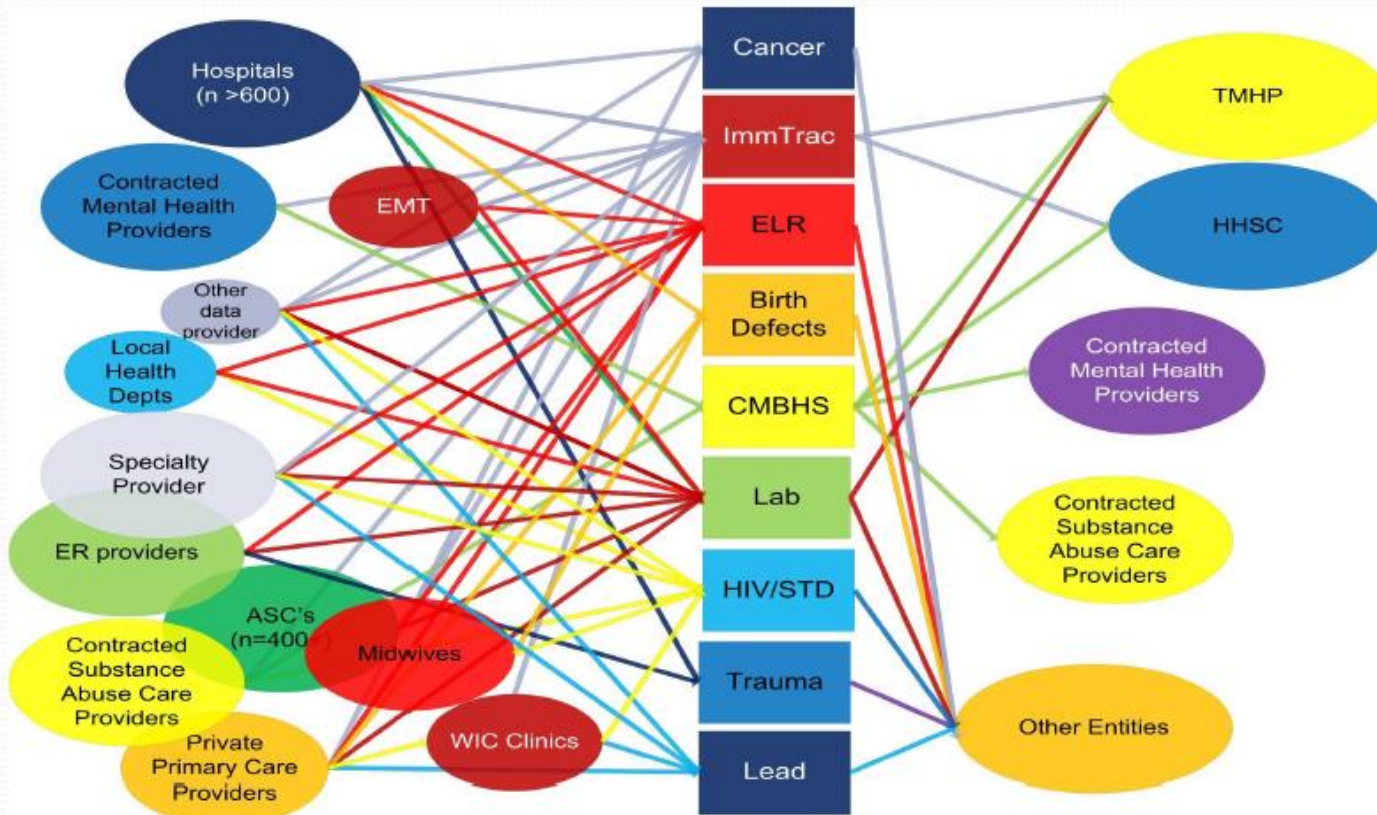
*Today, health care information technology (HIT) is at the “2002” of the Internet age*

Source: U.S. Census Bureau, Population Division, Education & Social Stratification Branch, “Reported Internet Usage for Households, by Selected Householder Characteristics,:2007”; Texas eHealth Alliance: Nora Belcher

- HB 2641 by Rep. John Zerwas, MD
  - Implements standards in IT systems at the HHS agencies
  - Amends statutes to permit Health Information Exchanges to participate in public health data reporting
  - Creates a HIE incentive program at Medicaid, if found to be feasible and cost-effective
  - Repeals the Sunset provision for Medicaid remote monitoring until September 1, 2019
  - Provides a “safe harbor” for physicians participating in HIEs by shielding them from liability related to other parties’ data errors

# Public Health Reporting Without Standards

Before.....



# Public Health Reporting With Standards





# HB 2641 Coalition



# Unfinished/Follow Up Business from 2015

- SB 1937 by Kolkhorst- did not pass
  - converts completion of privacy and security certification under the Health and Safety Code from a “mitigating factor” to “safe harbor” in case of a breach; comparable to HIPAA safe harbor on encryption
- SB 475/HB 1220 (Kolkhorst/Laubenberg)- did not pass
  - Establishes a property right to DNA; Require patient consent for all but a few legally prescribed uses (law enforcement, emergency treatment)
- SB 20 (Nelson/Price)- passed
  - Contracting reform at state agencies
  - There may be follow up activities to clarify intent

## Cybersecurity

- 6 Interim studies on cybersecurity in the House covering everything from local government to the Legislature
- Policy issues
  - IT infrastructure is old/dated/not updated
  - Ransomware is now a huge concern (and it wasn't a year ago)
  - Government is not getting good data on non-breach forms of cyber (ransomwear not reported like breaches)



## Telemedicine

- Texas Medical Board going through Sunset review
- Federal lawsuit set for trial in 2017
- Interim studies on telemedicine in the House and the Senate
- Policy issues
  - Establishment of physician-patient relationship
  - Modality
  - Licensure/scope of practice
  - Payment/benefit parity

- Current Medical Board rules allow a physician-patient relationship to be established:
  - from a physical site (with equipment/presenter)
  - from a patient's home (with equipment/presenter)
  - from a patient's home for mental health treatment (without equipment/presenter)
    - except for behavioral health emergencies and controlled substances
  - via a referral (treatment for one year)
- Proposed TMB rule on call coverage to go into effect in October
  - will allow non-reciprocal, contracted call arrangements

# A Major Breakthrough!

- On June 7th, the Texas e-Health Alliance, the Texas Medical Association and the Texas Academy of Family Physicians announced agreement to work on an agreed-to telemedicine bill for session.
  - Physician concerns:
    - Licensure
    - Standards of care
    - Insurance coverage
- A working group of a cross-section of stakeholders has been assembled to review the relevant statutes.

# What Does That Mean?

- Medicaid has shifted in terms of policy and now views telemedicine/telehealth as an essential tool
- Medicare telehealth limitations still highly restrictive
- Commercial insurers are aggressively pursuing virtual care models
- Scope of practice was the battleground issue- now it's reimbursement

# Closing Thoughts

- HITECH Act activity is fading, as meaningful use shifts to MACRA and the HIE market matures
- Reimbursement reforms will be affecting market activity
- Technological changes in other markets, like credit card chips, will shift risk to health care
- The patient revolution is imminent- be ready!



# Questions?

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