



TeHA 2019 Legislative Recap

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Presentation Outline

- Telemedicine bills
- Opioid and e-prescribing bills
- Cybersecurity bills
- Disaster response bills
- Budget items
- What's next?



Telemedicine Bills Passed

Bill Number	Author	Caption	Notes	Status
SB 670	Buckingham Price	Relating to Medicaid telemedicine and telehealth services.	<ul style="list-style-type: none"> • Expands MCO coverage of telemedicine and telehealth services • repeals the patient site presenter requirement for school-based clinics • clarifies provision of telemedicine and telehealth by FQHCs • permits choice of platform for Medicaid providers • encourages care coordination between PCPs and telemedicine physicians in Medicaid • adds FQHCs to the list of designated telepharmacy sites • clarifies that direct care by physicians can include telemedicine and telehealth • Repeals outdated sections of law related to telemedicine and telehealth • Repeals the Sunset date for the Medicaid remote patient monitoring benefit 	Effective 9/1/2019



Telemedicine Bills Passed

Bill Number	Author	Caption	Notes	Status
HB 1063	Price Buckingham	Relating to the reimbursement of providers for the provision of certain home telemonitoring services under Medicaid.	Repeals Sunset date for Medicaid remote patient monitoring benefit and adds certain children's services to the same benefit. Adds cost-effectiveness to HHSC study of telemedicine, telehealth and remote patient monitoring.	Effective 9/1/2019
HB 3345	Price Hughes	Relating to health benefit coverage provided by certain health benefit plans for telemedicine medical services and telehealth services.	Modifies requirements for insurance plans to ensure that physicians have their choice of platform for providing telemedicine.	Effective 9/1/2019
HB 871	Price Perry	Relating to use of telemedicine medical service by certain trauma facilities.	Allows rural hospitals to use telemedicine to meet trauma designation requirements.	Effective 9/1/2019
SB 71	Nelson	Relating to the establishment of a statewide telehealth center for sexual assault forensic medical examination.	Added interoperability language to address concerns from rural hospitals	Effective 9/1/2019



Telemedicine Bills Passed

Bill Number	Author	Caption	Notes	Status
HB 4455	Miller Campbell	Relating to the provision of mental health services through a telemedicine medical service or telehealth service.	Allow the provision of mental health services to patients out of state (subject to existing law)	Effective 9/1/2019
SB 11 (SB 10)	Taylor Bonnen, G	Relating to the creation of the Texas Mental Health Care Consortium.	Includes provision for telemental health for schools through health science centers	Effective 6/6/2019
HB 1960	Price Perry	Relating to the creation of the governor's broadband council.	Added language to add an expert in HIT to the broadband council	Effective 5/25/2019
SB 749	Kolkhorst Price	Relating to level of care designations for hospitals that provide neonatal and maternal care.	Allows telemedicine to count towards designation	Effective 6/10/2019

Telemedicine Bills Not Passed

Bill Number	Author	Caption	Notes	Status
HB 2062	Guerra	Relating to the provision and reimbursement of home telemonitoring services under Medicaid.	Repeals Sunset date for Medicaid remote patient monitoring benefit and adds additional services to the same benefit (different from Price/Guillen bills)	Referred to Senate HHS on 5/13
HB 1738	Guillen	Relating to telehealth and home telemonitoring services, including the provision of those services under Medicaid.	Adds certain mental health services to Medicaid telehealth program. Repeals Sunset date for Medicaid remote patient monitoring benefit and adds additional services to the same benefit (different from Price bill, likely to be combined)	Heard in Public Health on 3/20 and is still pending.
HB 1782	Cortez	Relating to a plan to increase the use of telemedicine medical services and telehealth services in this state.	Recommendation from SilverHaired Legislature.	Referred to Senate HHS on 5/13



Telemedicine Bills Not Passed

Bill Number	Author	Caption	Notes	Status
HB 4266 SB 2377	Zedler Hughes	Relating to the provision of pharmacy services through a telepharmacy system located at a remote dispensing site.	Changes the distance allowed between remote site and existing pharmacy from 22 miles to 10 miles	HB 4266 heard on 4/10 and left pending
HB 1706 SB 1666	Oliverson Buckingham	Relating to the provision of pharmacy services through a telepharmacy system.	Adds new sites as telepharmacy locations: FQHC, an ambulatory surgical center, a birthing center, community health center, hospital, an outpatient clinic, and public health clinic.	HB 1706 in Calendars 4/24 SB 1666 referred to Senate HHS and not heard
HB 1756 SB 792	Springer Perry	relating to the practice of dentistry and the provision of teledentistry dental services.	Creates a new regulatory structure for teledentistry.	HB 1756 referred to scope of practice subcommittee SB 792 placed on Senate calendar for 5/14
HB 10	Thompson	Relating to grants and programs for researching and treating behavioral health and psychiatric issues.	Includes Texas Behavioral Health Consortium, similar to SB 10. Also contains definition for telepsychiatry	Placed on Senate Intent Calendar 5/22 and not heard



Opioid/e-Prescribe Bills

Passed

Bill Number	Author	Caption	Notes	Status
HB 2174	Zerwas Kolkhorst	Relating to controlled substance prescriptions under the Texas Controlled Substances Act; authorizing a fee.	Contains eprescribe mandate for controlled substances starting January 1, 2021, with exceptions. Includes continuing education requirements and 10 day prescribing limit with exceptions	Effective 9/1/2019
HB 3284	Sheffield Nelson	Relating to prescribing and dispensing controlled substances and monitoring the prescribing and dispensing of controlled substances under the Texas Controlled Substances Act; providing for administrative penalties.	Contains PDMP checking mandate for controlled substances starting March 1, 2020, with exceptions. Makes fraudulent e-prescribing a criminal act. Adds patient access to the PDMP records and charges the Pharmacy Board with rulemaking to implement that provision. Also includes workgroup for PDMP integration oversight including HIT industry representation	Effective 9/1/2019
HB 3285	Sheffield Huffman	Relating to programs and initiatives to prevent opioid addiction, misuse, and abuse in this state.	Establishes public awareness campaign, adds medication assisted treatment for opioids and SUDS to Medicaid	Effective 9/1/2019



Cybersecurity and Privacy Bills Passed

Bill Number	Author	Caption	Notes	Status
SB 64	Nelson Phelan	Relating to cybersecurity for information resources.	Includes degree programs for higher ed and legacy modernization language	Effective 9/1/2019
HB 4390	Capriglione Nelson	Relating to the privacy of personal identifying information.	Establishes the Texas Privacy Protection Advisory Council. Amends breach notification provisions to have a 60 day clock and additional details in notifications.	Effective 9/1/2019 except for breach law changes which become effective January 1, 2020.
SB 1404	Powell Klick	Relating to an electronic portal for disclosures and consent regarding certain newborn screening information.	expands parental rights to consent to newborn screening and information sharing by allowing for electronic capture of parental choices and amends the timeline for obtaining consent to allow for capture of parental wishes prior to the birth admission.	Effective 9/1/2019
HB 3834	Capriglione Paxton	Relating to the requirement that certain state and local government employees and state contractors complete a cybersecurity training program certified by the state cybersecurity coordinator.	Training requirement impacts any employee who uses computer more than 25% of time	Effective 6/14/2019

Disaster Response Bills Passed

Bill Number	Author	Caption	Notes	Status
SB 982	Kolkhorst	Relating to awareness of and access to health care service programs available during a disaster or emergency	Addresses specialty care populations	Effective 9/1/2019
HB 1256	Phelan Kolkhorst	Relating to access by certain persons to a first responder's immunization history during a disaster.	Direct access to ImmTrac for employers	Effective 9/1/2019
HB 3304 SB 2236	Raymond Buckingham	Relating to the repeal of certain provisions affecting the electronic exchange of health information.	Repeals THSA Sunset date, puts them back through Sunset in 2027	Effective 9/1/2019



Funded Budget Items

- Department of State Health Services Exceptional Item #4- \$1,518,804 in GR and 17 FTEs for vital event records infrastructure upgrades.
- Health and Human Services Commission Exceptional Item #49- \$5.76 million in all funds for tele-neonatal and emergency care grants.
- Board of Pharmacy Exceptional Item #1- \$6,099,312 in general revenue for the Prescription Drug Management Program gateway that allows electronic medical record integration and analytics and risk assessment tools.

What Next?

- Rulemaking and implementation begins at state agencies
 - SB 670 and HB 1063 at Medicaid
 - HB 871 and SB 749 at Department of State Health Services
 - HB 3284 at the Board of Pharmacy
- Interim charges and hearings



Questions?

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