

Texas Legislature Approves Bill Reducing Barriers for Telemedicine

The Texas legislature passed [S.B. 1107](#) yesterday, May 18, 2017.

The bill, negotiated with input from the Texas e-Health Alliance and various other stakeholder groups, expands options for health care providers utilizing telemedicine methods with Texas-based individuals. To date, Texas Medical Board rules regarding telemedicine and prescribing required an in-person evaluation or a "face-to-face visit" with a patient located at an "established medical site" (usually with a patient-site presenter available) as a prerequisite to providing medical services by telemedicine.

The new legislation instead allows a valid practitioner-patient relationship to be established through a telemedicine encounter if the medical services are provided via: (i) a synchronous audiovisual interaction; (ii) an asynchronous encounter utilizing store-and-forward technology where the practitioner has access to clinically relevant images or a medical history; and (iii) any other form of audiovisual telecommunication technology enabling the practitioner to comply with the applicable standard of care. The law holds health care practitioners providing telemedicine services to the same standard of care that applies to the provision of similar health care services at an in-person setting but does require that telemedicine practitioners: (i) provide the patient with guidance on appropriate follow-up care; and (ii) if the patient consents, provide the patient's primary care physician with a medical report describing the telemedicine encounter within 72 hours.

The law requires the Texas Medical Board, Board of Nursing, Physician Assistant Board, and Board of Pharmacy to coordinate for consistency in regulations and standards interpreting the legislation. Specifically, the legislation requires that the boards jointly adopt rules allowing for a provider to establish a practitioner-patient relationship for the purpose of issuing a prescription through a telemedicine encounter.

The legislation also removes some of the Texas Medicaid program's barriers to using telemedicine. For example, it eliminates the requirement that providers go through an approval process before they can be reimbursed for telemedicine services and removes the requirement that a telepresenter be present with the patient at the time of the telemedicine visit.

The governor is expected to sign the bill into law. Once approved, the legislation will take effect immediately.

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