

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1041  
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Health & Human Services  
4/10/2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, some seriously ill and disabled children must travel to receive necessary expert medical care and consultations. Such travel can be difficult for parents, and may take a health toll on the children. C.S.S.B. 1041 expands the use of telemedicine for children with special health care needs to eliminate or reduce travel problems for certain families. Since the state sometimes pays for transportation and other travel costs related to children's health care, this bill could also reduce costs for the state.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Department of Health in SECTION 1 (Section 35.0041, Health and Safety Code) and to the Health and Human Services Commission in SECTION 3 (Section 531.02161, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 35, Health and Safety Code, by adding Section 35.0041, as follows:

Sec. 35.0041. PARTICIPATION AND REIMBURSEMENT OF TELEMEDICINE SERVICE PROVIDERS. Defines "telemedicine." Requires the Texas Department of Health (department) to develop and implement, by rule, policies permitting reimbursement of a provider for services under the program performed using telemedicine. Requires the policies to provide for reimbursement of providers for certain services. Requires the department, in developing and implementing the policies required by this section, to consult with certain persons and entities. Provides that this section applies to services for which coverage is provided under the health benefits plan under Section 35.0031.

SECTION 2. Amends Chapter 62D, Health and Safety Code, by adding Section 62.157, as follows:

Sec. 62.157. TELEMEDICINE FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS. (a) Requires a health plan provider, in providing covered benefits to a child with special health care needs, to permit benefits to be provided through telemedicine in accordance with policies developed by the Health and Human Services Commission (commission).

(b) Requires the policies to provide for the availability of covered benefits for services provided through certain telemedicine sessions.

(c) Requires the commission, in developing the policies required under Subsection (a), to consult with certain persons and entities.

(d) Defines "telemedicine."

SECTION 3. Amends Chapter 531B, Government Code, by adding Section 531.02161, as follows:

Sec. 531.02161. MEDICAID SERVICES PROVIDED THROUGH TELEMEDICINE TO CHILDREN WITH SPECIAL HEALTH CARE NEEDS. Defines "child with special health

care needs” and “telemedicine.” Requires the commission to establish, by rule, policies that permit reimbursement under the state Medicaid program for services provided through telemedicine to children with special health care needs. Requires the policies under this section to be designed to prevent unnecessary travel and encourage efficient use of telemedicine in certain situations and ensure, in a cost-effective manner, the availability to a child with special health care needs of services appropriately performed using telemedicine that are comparable to the same types of services available to that child without use of telemedicine. Requires the policies required under this section to provide for the reimbursement of multiple providers of different services under certain circumstances.

SECTION 4. Requires the Health and Human Services Commission and the Texas Department of Health to develop and implement policies required by this Act not later than December 31, 2001.

SECTION 5. Requires a state agency, if before implementing any provision of this Act the agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, to request the waiver or authorization and authorizes the affected agency to delay implementation of that provision until the waiver or authorization is granted.

SECTION 6. Effective date: September 1, 2001.

#### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1. Differs from the original by adding Texas Tech University Health Sciences Center and representatives of consumer or disability groups affected by changes to services for children with special health care needs to the list of persons and entities the Texas Department of Health is required to consult with in developing and implementing the policies required by this section.

SECTION 2. Differs from the original by adding Texas Tech University Health Sciences Center and representatives of consumer or disability groups affected by changes to services for children with special health care needs to the list of persons and entities the Health and Human Services Commission is required to consult with in developing the policies required by this section.

SECTION 3. No change.

SECTION 4. No change.

SECTION 5. No change.

SECTION 6. No change.