

BILL ANALYSIS

Senate Research Center

S.B. 66
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Health & Human Services
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DIGEST AND PURPOSE

Currently, Texas workers needing medical treatment must go to a medical facility and be treated in a traditional setting. As proposed, S.B. 66 establishes a pilot program administered through the Texas Workers' Compensation Commission which establishes regional telemedicine medical centers. The program allows patients to receive health care services from a range of medical specialists linked in a live, two-way teleconference. S.B. 66 also requires the Texas Workers' Compensation Commission to report to the legislature on the success of the program.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 408, Labor Code, by adding Subchapter M, as follows:

SUBCHAPTER M. TELEMEDICINE MEDICAL SERVICES PILOT PROGRAM

Sec. 408.241. DEFINITIONS. Defines "regional telemedicine medical center," "telemedicine medical services location," and "telemedicine medical service."

Sec. 408.242. PILOT PROGRAM: REGIONAL WORKERS' COMPENSATION TELEMEDICINE MEDICAL SERVICES CENTER. Requires the Texas Workers' Compensation Commission (commission), in cooperation with the Texas State Board of Medical Examiners, to establish a pilot program in the use of telemedicine medical services within the workers' compensation system to be provided through telemedicine medical centers. Requires the pilot program to operate at a location or locations determined by the commission and the Research and Oversight Council on Workers' Compensation. Authorizes the commission to expand the operating area covered by the pilot program as the commission determines to be appropriate after April 30, 2002. Requires the commission to enter into memoranda of understanding as necessary to implement this subchapter.

Sec. 408.243. USE OF TELEMEDICINE TO PROVIDE MEDICAL SERVICES. Requires each regional telemedicine medical center to make available a pool of specially trained doctors drawn from a range of health care specialties, including specialists in spinal injuries. Requires a doctor to demonstrate to the satisfaction of the commission professional experience with the impairment rating process used under this subtitle to be eligible to serve as a designated doctor through the pool created under this section. Authorizes the commission to arrange for telemedicine medical services with a designated doctor selected by the commission if the parties to a claim are unable to agree on a designated doctor under Section 408.122(c) or 408.125, or for the provision of a spinal surgery second opinion under Section 408.026.

Sec. 408.244. TELEMEDICAL PROCEDURES. Requires the commission, if telemedicine

medical services are used, to provide for the electronic transmission of the injured employee's medical records to the doctor providing telemedicine medical services not later than the 10th day before the date on which the telemedical consultation is scheduled to occur. Requires the injured employee to go to the nearest telemedicine medical services location that is connected to the regional telemedicine medical center to use telemedicine medical services under this subchapter. Authorizes the injured employee to be accompanied by the employee's treating doctor. Requires a health care practitioner who provides health care services at the telemedicine medical services location to arrange a telephone conference call with the designated doctor or doctor providing a second opinion regarding spinal surgery, if the treating doctor is not present. Requires the doctor to conduct a general examination in a live, two-way teleconference. Requires the doctor to interview the injured employee with the assistance of the treating doctor or the health care practitioner and to review medical records and images in the presence of the employee and the treating doctor or health care practitioner. Requires the telemedicine medical services location to prepare a data record with clinical notes of the telemedicine medical examination for future reference and documentation of procedures.

Sec. 408.245. RESTRICTION OF PREEMPTION AUTHORITY. Establishes that the provisions of this subchapter do not provide any authority to replace, substitute, or circumvent the requirements for a rural health clinic or for physician delegation of prescriptive authority to an advanced practice nurse or physician assistant.

SECTION 2. Amends Section 408.026, Labor Code, by adding Subsection (c), to authorize a second opinion required under this section to be performed through the use of telemedicine medical services as provided by Subchapter M.

SECTION 3. Amends Section 408.122, Labor Code, by adding Subsection (d), to authorize the commission, in selecting a designated doctor under Subsection (c) in cases in which the parties are unable to agree on a designated doctor, to elect to use a telemedicine medical examination with a designated doctor chosen under Section 408.243.

SECTION 4. Requires the commission to analyze the results of the pilot program created under Chapter 408M, Labor Code, as added by this Act, and to report those results to the 78th Legislature not later than February 1, 2003. Requires the commission to include in its report any recommendations for further legislative action regarding the provision of workers' compensation medical benefits through the use of telemedicine.

SECTION 5. Effective date: upon passage or September 1, 2001.