

## **BILL ANALYSIS**

Senate Research Center  
87R5809 BEE-F

S.B. 992  
By: Hancock  
Business & Commerce  
3/26/2021  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current state telemedicine and telehealth laws prohibit out-of-state health care professionals and non-primary care physicians from delivering high-quality care to patients. Texas requires an out-of-state physician to obtain a license to practice telemedicine. The application process for an out-of-state telemedicine license and a full Texas medical license are the same. Under this license, the license holder's practice of medicine is limited exclusively to the interpretation of diagnostic testing and reporting of results to a Texas fully licensed physician practicing in Texas or the follow-up of patients where the majority of patient care was rendered in another state. Allowing out-of-state health care professionals who hold an active, unencumbered license to provide health care services as authorized under state law will expand access to care for patients in Texas.

S.B. 992 amends the Texas Occupations Code to permit a health professional located outside of this state who holds an active and unencumbered license issued by another state to provide telehealth services to a patient located in Texas.

In order for a health professional to practice in Texas, the health professional must register with the applicable board or agency. An agency or board cannot charge more than a \$150 registration fee. Health professionals will have to register annually. The applicable board or agency is directed to adopt rules that will prevent abuse and fraud, adopt rules that relate to filing claims and records in connection with telemedicine and telehealth services, and adopt rules to ensure adequate supervision of health professionals who are not physicians and who provide telemedicine medical services. The bill requires the same standard of care for a health professional who provides a telehealth service as the standard of care for a health professional who provides an in-person health care service to a patient. The bill also prohibits a health professional licensed by a licensing agency in the United States who is a recipient of a previous disciplinary action by any other state or jurisdiction or is the subject of a pending investigation by a state or federal agency to practice telemedicine in Texas.

As proposed, S.B. 992 amends current law relating to the provision of telehealth services by health professionals located outside of this state.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the applicable agency with regulatory authority over a health professional in SECTION 1 (Section 111.009, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 111, Occupations Code, by adding Section 111.009, as follows:

Sec. 111.009. HEALTH PROFESSIONAL LOCATED OUTSIDE OF STATE. (a) Authorizes a health professional located outside of Texas who holds an active and unencumbered license issued by another state, notwithstanding any other law, to provide to a patient located in Texas a telehealth service if the health professional is authorized to provide the service by the state in which the health professional is licensed.

(b) Provides that the standard of care for a health professional who provides a telehealth service to a patient under this section is the same as the standard of care for a health professional who provides an in-person health care service to a patient.

(c) Authorizes establishment of a practitioner-patient relationship through a telehealth service provided under this section.

(d) Requires an agency with regulatory authority over a health professional to adopt rules to implement this section.

SECTION 2. Effective date: September 1, 2021.