



Texas Legislative Update 2023

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Background

Nora Belcher

- 29+ years in public policy with an emphasis on health care technology
- Senior leadership roles in Texas Medicaid and the Governor's Office
- Won computer programming contest in the 1980s and still has the trophies

Background

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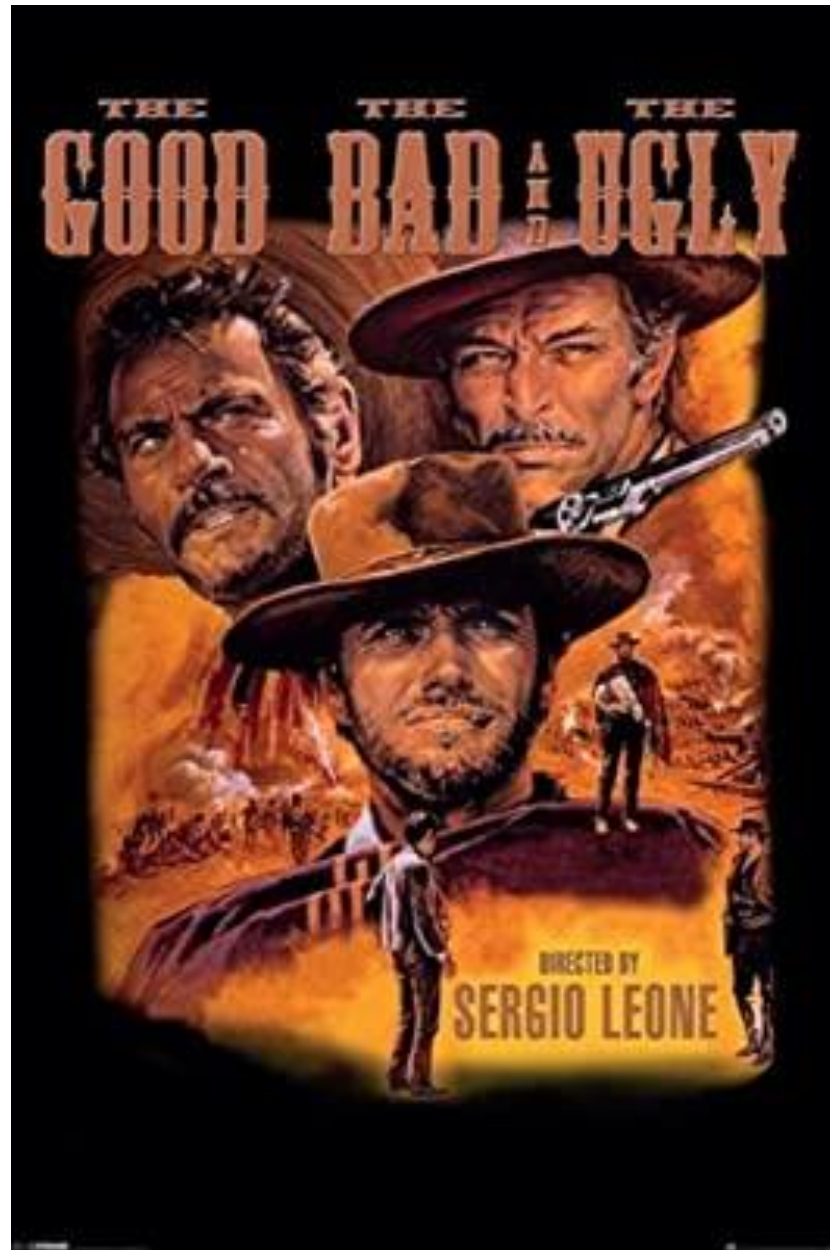
- What is the Texas e-Health Alliance?
- State's leading advocate, from local communities to the national level, for the use of health information technology to improve the health system for patients
- 501(c)6 nonprofit started in 2009 and serves as a trade association for HIT companies
 - As such, cannot recommend or endorse specific products or companies

Presentation Overview

This presentation will cover:

- High level issues at the Capitol and how they impact the healthcare agenda,
- Bills that passed and what they mean for e-health stakeholders, and
- Telemedicine/telehealth related bills that did not pass

After a normal session, I would cover all the bills to provide a well- rounded view of the activities. This was not a normal session!



Let's Set the Scene

- The good: Texas has a record budget surplus, and there is general agreement on using it for school-related property tax reform
- The bad: Each chamber has a very different idea of which reforms would be best
- The ugly: personal attacks, infighting, Twitter spats, 2 impeachment proceedings and a summer full of special sessions

The Good

- [HB 9](#) (Ashby/Huffman) Relating to the development and funding of broadband and telecommunications services.
 - Creates a new Texas Broadband Infrastructure Fund with \$1.5 billion dollars that can be used as state match to draw down federal funds
- [HB 4](#) (Capriglione/Hughes) Relating to the regulation of the collection, use, processing, and treatment of consumers' personal data by certain business entities; imposing a civil penalty.
 - Creates the Texas Data Privacy and Security Act which allows consumers specific rights to request, delete or correct their personal data. Includes a strong set of health care protections to avoid duplicate regulation.

The Good

- [HB 617](#) (Darby/Alvarado) Relating to a pilot project to provide emergency telemedicine medical services and telehealth services in rural areas
 - Renewal of Texas Tech’s Next Generation 911 project, which links ambulance to the hospital emergency room to begin treatment more quickly
- [HB 2727](#) (Price/Perry) Relating to the provision of home telemonitoring services under Medicaid.
 - Streamlines and updates the current remote patient monitoring benefit by allowing FQHCs and RHCs to participate, simplifying the criteria for eligibility, adding end-state renal disease and pregnancy monitoring to the list of covered conditions, and permits HHSC to add other services that are cost-effective and clinically effective without needing to pass new legislation.

The Bad

- [SB 2527](#) (Campbell/Klick)- Relating to the regulation of telemedicine medical services, teledentistry services, and telehealth services.
 - Prompted by the high-profile cases of companies who were using pandemic waivers to prescribe controlled substances without an in-person visit. The bill mandated parental attendance at specific visits and in-person visits at various intervals.
 - Based on feedback from stakeholders, it became very difficult to find a balance between limiting online prescribing and not limiting the ability of safety net providers to continue to treat individuals with mental illness.
- [SB 2064](#) (Bettencourt)- Relating to the dissemination of patient information through a telemedicine, telehealth, or teledentistry service.
 - Prompted by the high-profile investigations of companies that were selling patient data for third party marketing purpose without patient consent. The bill prohibited Texas licensed physicians from entering into a contract with a company that follows this practice.
 - Numerous concerns were brought up by stakeholders, including how a physician could possibly be aware of this practice and whether or not it makes sense to bring the enforcement action against the physician.

The Bad

- [HB 1771 \(Price/Kolkhorst\)](#)- relating to certain records of a health professional providing a telemedicine medical service, teledentistry dental service, or telehealth service.
 - Recommended by the House Public Health Committee in their report, this bill charged licensing boards with creating standardized documentation frameworks for virtual care.
 - Bill was changed in Senate committee to have a broader caption and new language requiring an in-person examination before an “irreversible medical procedure is initiated” which greatly alarmed many stakeholders.
- [HB 3468 \(Capriglione\)](#)- Relating to a patient's access to health records; authorizing a civil penalty; authorizing fees.
 - Prompted by concerns that the 21st Century Cures Act provisions related to information blocking would not be enforced by the federal government, this bill added those provisions to state law along with civil penalties for noncompliance. It also created a property right for patients to their medical record.
 - Stakeholders on the House side argued that they should not be exposed to double penalties, and the operational implications of the property right language need further study.

The Ugly

- “Tele” bills, including school services, insurance reforms, workers’ compensation, and service delivery
 - HB 592, 594, 1060, 1390, 3936, 3942, 4033, 4334, 4524
 - SB 245, 662, 724, 1359, 2134, 2174, 2190
- Compact bills for dentistry, counseling, advance practice nurses, occupational therapy, physician assistants and mental health
 - HB 1683, 1903, 2544, 2557, 3039, 4154, 4404, 5289
 - SB 458, 1100, 1282, 1540, 1978



Questions?

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