



2019 Texas Legislative Summary

Presentation to RHP 9, 10 and 18

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November 12th, 2019



Conflicts of Interest Disclosure

Nora Belcher has no real or apparent conflicts of interest to report.



Background

Nora Belcher

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



Background

TeHA

- What is the Texas eHealth 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



Presentation Outline

- Telemedicine bills
- Opioid and eprescribing bills
- Cybersecurity bills
- Privacy bills
- Disaster response bills
- What's next?



Telemedicine Bills Passed

SB 670 by Buckingham/Price

- Expands MCO coverage of telemedicine and telehealth services,
- repeals the patient site presenter requirement for school-based clinics,
- clarifies provision of telemedicine and telehealth by FQHCs,
- permits choice of technology platform for Medicaid providers,
- encourages care coordination between PCPs and telemedicine physicians in Medicaid,
- adds FQHCs to the list of designated tele-pharmacy sites,
- clarifies that direct care by physicians can include telemedicine and telehealth,
- Repeals outdated sections of law related to telemedicine and telehealth, and
- Repeals the Sunset date for the Medicaid remote patient monitoring benefit.



Telemedicine Bills Passed

HB 871 by Price/Perry

- Allows rural hospitals to use telemedicine to meet trauma designation requirements.

HB 1063 by Price/Buckingham

- Repeals Sunset date for Medicaid remote patient monitoring benefit and adds certain children's services to the same benefit, and
- adds cost-effectiveness to HHSC study of telemedicine, telehealth and remote patient monitoring.

HB 3345 by Price/Hughes

- Modifies requirements for insurance plans to ensure that physicians have their choice of platform for providing telemedicine.



Telemedicine Bills Passed

HB 4455 by Miller/Campbell

- Allows the provision of mental health services to patients out of state (subject to existing law).

SB 11 (SB 10) by Taylor/Bonnen, G

- Creates the Texas Mental Health Care Consortium which includes provisions for telemental health for schools through health science centers.

HB 1960 by Price/Perry

- Creates the governor's broadband council which includes an expert in health information technology and representatives of provider associations.

SB 749 Kolkhorst/Price

- Allows telemedicine to count towards level of care designations for hospitals that provide neonatal and maternal care.



Telemedicine Bills Not Passed

HB 1782 by Cortez

- Establishes a plan to increase the use of telemedicine medical services and telehealth services in this state.

HB 4266/SB 2377 by Zedler/Hughes

- Changes the distance allowed between remote site and existing pharmacy when a telepharmacy system located at a remote dispensing site.

HB 1756/SB 792 by Springer/Perry

- Creates a new regulatory structure for teledentistry.



Opioid/e-Prescribe Bills Passed

HB 18 by Price/Watson

- Established new training requirements for educators related to mental health of public-school students.

HB 19 by Price/Watson

- Improves coordination between local mental health authorities and schools for mental health and substance abuse disorder services.

HB 2454 by Price/Hughes

- Creates continuing education requirements for certain health professionals regarding pain management and the prescribing of opioids.

HB 3285 by Sheffield/Huffman

- Establishes public awareness campaign on opioids and SUDS, and
- Adds medication assisted treatment for opioids and SUDS to Medicaid.



Opioid/e-Prescribe Bills Passed

HB 2174 by Zerwas/Kolkhorst

- Contains e-prescribe mandate for controlled substances starting January 1, 2021, with exceptions.
- Includes continuing education requirements and 10 day prescribing limit for acute pain, also with exceptions.

HB 3284 by Sheffield/Nelson

- Contains Prescription Drug Monitoring Program checking mandate for controlled substances starting March 1, 2020, with exceptions.
- Makes fraudulent e-prescribing a criminal act.
- Allows patient access to PDMP records and charges the Pharmacy Board with rulemaking to implement that provision.
- Establishes workgroup for PDMP integration oversight



Cybersecurity Bills Passed

SB 64 by Nelson/Phelan

- Directs the state to improve cybersecurity education offerings in higher ed and community colleges.
- Creates a process for prioritizing state legacy IT systems for modernization.

HB 3834 by Capriglione/Paxton

- Requires certain state and local government employees and state contractors who use computers more than 25% of the time to complete a cybersecurity training program certified by the state cybersecurity coordinator.



Privacy Bills Passed

HB 4390 by Capriglione/Nelson

- Establishes the Texas Privacy Protection Advisory Council. Amends breach notification provisions to have a 60 day clock and additional details in notifications.
- Effective 9/1/2019 except for breach law changes which become effective January 1, 2020.

SB 1404 by Powell/Klick

- Expands parental rights to consent to newborn screening and information sharing by allowing for electronic capture of parental choices and amends the timeline for obtaining consent to allow for capture of parental wishes prior to the birth admission.



Disaster Response Bills Passed

SB 982 by Kolkhorst/Zerwas

- Promotes awareness of and access to health care service programs available during a disaster or emergency.

HB 3304/SB 2236 by Raymond/Buckingham

- Repeals the 2021 proposed Sunset date for the Texas Health Services Authority and moves their Sunset review to 2027.

HB 1256 by Phelan/Kolkhorst

- Allows direct access by employers to a first responder's immunization history during a disaster.



What Next?

- Rulemaking begins at state agencies
- The Lt. Gov and Speaker will issue interim charges to existing committees and possibly create new committees
- Speculation about 2021 begins!
 - Budget
 - President election cycle
 - Speaker drama



Questions?

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