

New Reimbursement Requirements for Telemedicine Services in School Settings

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On April 15, 2016, the Texas Health and Human Services Commission (“**HHSC**”) adopted a Medicaid rule clarifying that physicians must be reimbursed for telemedicine services provided in school-based settings, if certain conditions are met (the “**Rule**”). The Rule becomes effective on May 15, 2016.

The Rule implements HB 1878, which was passed during the 84th Legislative Session. The Rule has been adopted amidst the recent support and expansion of telemedicine services as a method of increasing children’s access to medical care. Telemedicine services have become a focal point for innovative methods of health care delivery, as evidenced by its appearance in both the Senate and House interim charges as well as the recent House Committee on Public Health meeting on telemedicine in Texas.

Currently, regulations allow for the reimbursement of telemedicine and telehealth services under the Texas Medicaid program, subject to certain conditions and limitations. However, the Rule specifies the conditions under which physicians providing telemedicine services in school-based settings can be reimbursed by HHSC, regardless of whether the physician is the child’s primary care physician.

Advance Consent

The Rule requires that consent from the parent or legal guardian be obtained before a child receives telemedicine services in a primary or secondary school-based setting. However, the HHSC has not provided guidance on how far in advance or how frequently that consent must be obtained.

Notification Requirements

If the patient has a primary care physician or provider, notification of the telemedicine service must be sent to the physician or provider, with the consent of the patient or the patient’s parent or legal guardian. If the telemedicine service is provided in a primary or secondary school-based setting, the notification must include a detailed summary of the service provided.

If the patient does not have a primary care physician or provider and the telemedicine service is provided in a primary or secondary school-based setting, then the child’s parent or legal guardian must be given (i) a detailed summary of the service provided and (ii) a list of primary care physicians or providers from which to select the child’s primary care physician or provider.

Conditions for Reimbursement

The Rule specifies that telemedicine services offered in school-based settings are reimbursable if:

1. the physician is enrolled as a Medicaid provider;
2. the patient is a child, and the service is provided in a primary or secondary school-based setting;
3. the parent or legal guardian gives consent before the service is provided; and
4. a health professional is present with the patient during the treatment.

The adopted Rule amends Title 1, Section 354.1432 of the Texas Administrative Code and is published in the Texas Register. [View the adopted rule.](#) [View HB 1878.](#)