The Texas Medical Board (TMB) telemedicine rules are published under Chapter 174 of the Administrative Code.

Some other state agencies rules are published under Chapter 111 of the Occupations Code and Section 1455 of the Insurance Code.

Minimum Standards - Rule 174.6

- A physician is subject to the same standard of care that would apply to the provision of the same health care service in an in-person setting, must establish a physician-patient relationship, and must maintain complete and accurate medical records.

- Adequate measures must be implemented to ensure that patient communications, recordings and records are protected consistent with federal and state privacy laws.

Practitioner-Patient Relationship for Telemedicine Medical Services - Occupations Code 111.005

- A physician-patient relationship is established either through a preexisting relationship, a call coverage agreement, or through a valid telemedicine delivery method.

- If the relationship is established using a telemedicine delivery method, the physician must be able to access and use clinically-relevant information that would be required to meet the standard of care.

- Valid telemedicine delivery methods are defined in the link above.

- The patient must be provided with guidance on appropriate follow-up care. If the patient consents, info about the care is to be provided to the patient's primary care physician within 72 hours following services rendered.

Prevention of Fraud and Abuse - Rule 174.3

- Physicians must adopt protocols to prevent fraud and abuse.

Notice to Patients - Rule 174.4

- Physicians must provide notice to patients of the physician's privacy practices prior to evaluation or treatment and make a good faith effort to obtain the patient's written or electronic acknowledgement of the notice.
• A notice of how patients may file a complaint with the TMB also must be provided on the physician's website or with informed consent materials prior to services being performed.

Issuance of Prescriptions - Rule 174.5

The validity of a prescription is determined by the same standards that would apply to the issuance of the prescription in an in-person setting. The rule defines a valid prescription and includes limitations on the treatment of chronic pain.

Limitation on Treatment of Chronic Pain - Rule 174.5(e)

TMB has determined clear legislative intent exists for the limitation of chronic pain treatment through telemedicine. TMB defines chronic pain under TMB Rules 170.2(4) Pain Management. Treatment of chronic pain with scheduled drugs through use of telemedicine medical services is prohibited, unless otherwise allowed under federal and state law. This rule also discusses the treatment of acute pain.

Mental Health Services - Rule 174.9

TMB enacted rules that provide greater access to behavioral healthcare, while still insuring patient safety.

State Licensure - Rule 174.8

• Physicians who treat and prescribe through communications technology are practicing medicine and must possess a full Texas medical license when treating residents of Texas.

• An out-of-state physician may provide episodic consultations without a Texas medical license, as provided in Occupations Code Section 151.056, as well as TMB Rule 172.2(g)(4) Construction and Definitions, and TMB Rule 172.12(f) Out-of-State Telemedicine License. See more TMB information on the limited Out of State Telemedicine License.

Insurance coverage for Telemedicine Medical Services - Insurance Code 1455

Coverage is on the same basis as that provided during an in-person setting.

Medicaid coverage for Telemedicine Medical Services - Government Code 531.0216

This Government Code discusses participation and reimbursement under Medicaid. It also discusses services to children with special needs, etc.

2017 SB 1107 establishes statutory definitions of telemedicine and telehealth and clarifies that the standard of care for a traditional, in-person setting also applies to these services. Language in the bill makes it clearer that telemedicine is not a distinct service, but a tool physicians can use. A physician-patient relationship must be established per the Occupations Code 111.005.

2019 HB 3345 allows physicians to choose the platform for providing services rather than having health plans dictate the platform. Plans must provide coverage for a covered health care service delivered via
telemedicine on the same basis and to the same extent that the plan provides coverage for the service in an in-person setting. The bill took effect Sept. 1, 2019, and applies to a health benefit plan issued on or after Jan. 1, 2020.

2019 SB 670 requires Medicaid to cover telemedicine services.

2019 HB 1063 requires Medicaid to cover home telemonitoring for specific pediatric patients.

Complete Texas Medical Board rules and answers to frequently asked questions:

- [TMB rules Chapter 174](#) - Telemedicine
- [TMB FAQs for Licensees](#) - Click on the header *Telemedicine*
- [Occupations Code Chapter 111](#) - Telemedicine and Telehealth