



TEXAS DEPARTMENT OF INSURANCE

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memo

To: Texas Workers' Compensation System Participants

From: Emily McCoy, Associate General Counsel, Office of General Counsel

Date: September 22, 2017

RE: New 28 Texas Administrative Code §133.30, Telemedicine Services

The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) is accepting comments on an informal working draft of new 28 Texas Administrative Code (TAC) §133.30, available at <http://www.tdi.texas.gov/wc/rules/drafts.html>. The informal working draft was posted on the TDI-DWC website on September 22, 2017 and the comment period closes on October 23, 2017 at 5 p.m. Central time.

The informal working draft is not a formal rule proposal and comments received will not be treated as formal public comments for the purposes of the Administrative Procedure Act. There will be an opportunity to formally comment once the rule is proposed and published in the *Texas Register*. Informal comments may be submitted by email to InformalRuleComments@tdi.texas.gov or by mail or delivery to:

Texas Department of Insurance, Division of Workers' Compensation
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Workers' Compensation Counsel MS - 4D
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New §133.30 would expand the accessibility of telemedicine services in the Texas workers' compensation system by allowing health care providers to bill and be reimbursed for telemedicine services regardless of where the injured employee is located at the time the services are delivered. Health care providers must follow applicable Medicare payment policies and billing provisions found throughout Chapter 133 and 134 of TDI-DWC rules when billing for telemedicine services. Under the new rule, an exception would remove any limitation on the geographic area or location of the injured employee outlined by Medicare. Instead, a health care provider would be able to bill and be reimbursed for telemedicine services with no restriction on where the injured employee is at the time the services are delivered.

TDI-DWC also requests stakeholders to consider and comment on the necessity of the Medicare originating site facility fees in light of the informal rule text. The current fees allow originating site facilities to bill and be reimbursed a set amount for telemedicine services provided at their facility.