Telemedicine & Telehealth Frequently Asked Questions

Q: Are telehealth/telemedicine services billable and payable?
A: Yes. For services provided on or after September 1, 2018, Rule at 28 TAC Sec. 134.203 sets the reimbursement rates for telehealth/telemedicine services, while Rule at 28 TAC Sec. 133.30 sets the billing requirements and allows injured employees to receive telehealth or telemedicine services from a distant site provider.

Q: Can any medical service be delivered via telehealth/telemedicine?
A: No. The Division adopts, by reference, the list of telehealth services published annually by Medicare.

Q: Can MMI/IR services be delivered via telehealth/telemedicine?
A: No. Codes 99455 and 99456 are not among the list of codes permitted to be delivered via telehealth/telemedicine.

Q: Can physical therapy services be delivered via telehealth/telemedicine?
A: No. PT codes are not among the list of codes permitted to be delivered via telemedicine. Always therapy codes 97161, 97162, 97163, 97110, 97112, 97750 etc. are not currently payable.

Q: Can an employer require an injured worker to receive care via telehealth/telemedicine?
A: No. The preamble to Rule at 28 TAC Sec. 133.30 explains that injured employee participation in teleservices is voluntary.

Q: Does new Rule 133.30 affect the employee’s entitlement to their choice of a treating doctor?

Q: When would a change of treating doctor be required?
A: For non-network see Texas Labor Code §408.022 & DWC Form-053; for certified networks see Texas Insurance Code §1305.104.

Q: What is the standard of care for telehealth/telemedicine services?
A: A health professional providing a health care service or procedure as a telemedicine medical service or a telehealth service is subject to the standard of care that would apply to the provision of the same health care service or procedure in an in-person setting. Any questions regarding standard of care should be directed to the appropriate licensing board. Occupations Code §111.007.
Q: What is the difference between the terms Telehealth and Telemedicine?
A: 28 TAC Sec. 133.30 adopts the definitions established by Occupations Code §111.001 as follows:

- Occupations Code §111.001(3) defines a “telehealth service” as a health service, other than a telemedicine medical service, delivered by a health professional licensed, certified, or otherwise entitled to practice in this state and acting within the scope of their license, certification, or entitlement to a patient at a different physical location than the health professional using telecommunications or information technology.

- Occupations Code §111.001(4) defines “telemedicine” as a health care service delivered by a physician licensed in this state, or a health professional acting under the delegation and supervision of a physician licensed in this state, and acting within the scope of their license to a patient at a different physical location than the physician (or health professional) using telecommunications or information technology.