

2010 Board Rule Changes

The following is a summary of the changes effective on October 17, 2010. Click [here](#) for the complete board rules.

Chapter 174, Telemedicine: Amendments to §174.1, concerning Purpose, adds statutory authority for the chapter and exempts out-of-state telemedicine license holders, federally qualified health centers, and health insurance help lines from the chapter. The Board has determined that the changes are necessary to have the rules applied to only certain telemedicine providers.

Amendments to §174.2, concerning Definitions, define distant site provider, established medical site, face-to-face visit, patient site location, patient site presenter; amend the definitions for physician-patient e-mail, telemedicine medical services; and deletes the definition for telepresenter. The Board has determined that it is necessary to establish uniform definitions for those who practice telemedicine in Texas.

Amendments to §174.3, concerning Telemedicine Medical Services, deletes reference to the Telecommunications Infrastructure Fund Board (TIFB). The Board has determined that references to the TIFB must be eliminated since it no longer exists.

The repeal of §174.4, concerning Use of the Internet in Medical Practice, is moved to Chapter 164 as new §164.6. The Board has determined that this section is more appropriately placed in Chapter 164, which relates to advertising.

Amendments to §174.5, concerning Notice of Privacy Practices, provides that physicians that communicate electronically with patients and provide telemedicine medical services, must provide notice to patients of privacy practices, limitations of telemedicine, when in-person evaluations are necessary, and how to file complaints with the Board. The Board has determined that it is necessary to ensure that patients are given appropriate notice to make informed decisions about their care and their rights as consumers. The amendment also changes the name from "Notice of Privacy Practices" to "Notice to Patients".

The repeal and replacement of §174.6, concerning Delegation to and Supervision of Telepresenters, repeals §174.6 and adds new language for new §174.6, concerning Telemedicine Medical Services Provided at an Established Medical Site. The Board has determined that the new language is necessary to establish standards for the provision of telemedicine medical services at established medical sites.

New §174.7, concerning Telemedicine Medical Services Provided at Sites other than an Established Medical Site, establishes under what conditions a distant site provider may provide telemedicine medical services at sites other than an established medical site, such as a patient's home.

New §174.8, concerning Evaluation and Treatment of the Patient, establishes standards for physicians that use telemedicine medical services for the evaluation and treatment of patients.

New **§174.9**, concerning Technology and Security Requirements, establishes requirements relating to technology and security regarding the provision of telemedicine medical services and physician-patient communications through email. The Board has determined that the new rule will protect confidential electronic communications between physicians and their patients and that electronic medical records are appropriately safeguarded.

New **§174.10**, concerning Medical Records for Telemedicine Medical Services, establishes the requirements for the maintenance of medical records for telemedicine medical services and what documents are considered part of the medical records. The Board has determined that the changes ensure that medical records are appropriately maintained for patients who receive telemedicine medical services.

New **§174.11**, concerning On-call Services, establishes that physicians in the same specialty who provide reciprocal services may provide on-call telemedicine medical services for each other's patients. The Board has determined that changes allow for the use of telemedicine medical services through on-call services when a patient's distant site provider is not available.

New **§174.12**, concerning State Licensure, provides that persons who treat and prescribe through advanced communications technology are engaged in the practice of medicine and must have appropriate licensure unless otherwise exempt. The Board has determined that the changes ensure that those who reside outside of Texas and provide medical services to Texas residents are appropriately licensed.

<http://www.sos.state.tx.us/texreg/archive/October82010/adopted/22.EXAMINING%20BOARDS.html#200>

<http://www.sos.state.tx.us/texreg/archive/October82010/adopted/22.EXAMINING%20BOARDS.html#203>

<http://www.sos.state.tx.us/texreg/archive/October82010/adopted/22.EXAMINING%20BOARDS.html#204>