



## TEXAS DEPARTMENT OF INSURANCE

---

### Division of Workers' Compensation - Legal Services (MS-4D)

7551 Metro Center Drive, Suite 100, Austin, Texas 78744-1645

(512) 804-4703 | F: (512) 804-4276 | (800) 252-7031 | TDI.texas.gov | @TexasDWC

To: Workers' Compensation System Participants

From: Kara Mace, Deputy Commissioner, Legal Services

Date: April 13, 2020

RE: Emergency Adopted Rules

The Texas Department of Insurance, Division of Workers' Compensation (DWC) is adopting new 28 Texas Administrative Code §167.1 on an emergency basis. The rule relates to telemedicine and telehealth and will go into effect immediately for physical medicine and rehabilitation services provided on or after April 13, 2020.

The emergency adoption is necessary to ensure enhanced access to telemedicine and telehealth services in response to the COVID-19 disaster declaration.

This emergency rule builds on the existing telemedicine and telehealth rules by creating an exception to current CMS distant site practitioner requirements. This rule allows health care providers licensed to perform physical medicine and rehabilitation services, including physical therapists, occupational therapists, and speech pathologists to bill and be reimbursed for services currently allowed under CMS telemedicine and telehealth billing codes.

Health care providers must bill for telemedicine or telehealth services using the same billing, coding, reporting, and documentation requirements used for in-person services and include a place of service code "02 – telehealth" on the bill. Services will be reimbursed at DWC's fee schedule rate or network contracted rate, whether provided in person or through telemedicine or telehealth. An originating site facility fee is not eligible for reimbursement.

The adopted rule will be published in the April 24, 2020, issue of the *Texas Register* and will be available at [www.sos.state.tx.us/texreg/index.shtml](http://www.sos.state.tx.us/texreg/index.shtml) once published. We will also post the rule on the [TDI website](http://www.tdi.texas.gov).