

The “State” of Telehealth: Texas

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As part of his 2021 of the State [address](#), Texas Governor, Greg Abbott, introduced his intention to permanently expand telemedicine services that were made available during the COVID-19 public health emergency (the “Pandemic”).

Specifically, on March 13, 2020, the Governor [waived](#) certain regulations and directed the Texas Department of Insurance (“TDI”) to issue an emergency rule, all relating to telemedicine care for patients with state-regulated insurance plans to help doctors across Texas continue to treat their patients while mitigating the spread of COVID-19. The Governor also issued an [emergency rule](#) on September 25, 2020 (the “E.O.”), which mandated TDI to continue payment parity for telehealth services. The E.O. required that the TDI compensate health care providers for telemedicine visits at the same rate as an in-person visit, but equalized only applied to patients covered by state-regulated insurance plans, like those purchased through HealthCare.gov, which make up only 15% of plans in Texas.

The Governor’s intent to expand telemedicine services in the state follows other trends across the country to make permanent changes to telehealth exceptions made during the Pandemic, as discussed most recently in our February 3, 2021 Blog Post, “[The ‘State’ of Telehealth Series: New Hampshire](#),” and our December 7, 2020 Blog Post “[Permanent Expansion of Medicare Telehealth Services](#)”.

However, if the Governor intends to make the exceptions issued under the E.O. permanent, he will need the support of Texas’s 87th Legislature, Congress, and private insurance providers. Fortunately, the issue of telehealth expansion has bipartisan support in Texas. Both Democrats and Republicans have filed multiple bills this session aimed at expanding telehealth services. Texas Democratic Senator, Cesar Blanco, currently has two bills ([SB228](#) & [SB434](#)) that would permanently continue the telemedicine [options](#), such as the use of smart phones or any audio-visual, real-time, or two-way interactive communication systems, that the Governor allowed during the Pandemic. Likewise, Republican Senator Charles Perry filled senate bill [SB488](#) which would allow for tele-dentistry services to become available in the state.

“As it relates to telemedicine, broadband will be a critical measure in ensuring that our underserved border and rural communities will have the ability to access telemedicine options,” Blanco said about

the Governor's proposed expansion. "In addition to that, it improves health care access, it will help close the digital divide in our classrooms for our students who are doing remote learning and really, help small businesses access new markets."

Texas's 87th legislature is expected to pass new laws to require full coverage of telemedicine services for state-regulated plans, like those obtained through the Affordable Care Act marketplace, and Medicaid.

We will continue to monitor the expansion of telehealth services in the state of Texas, and other states across the nation in accordance with our "[State of Telehealth](#)" series.

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