

# **Section 174.4 - Notice to patients (Texas Administrative Code)**

## **§ 174.4. Notice to Patients**

### **Privacy Practices.**

(1) Physicians that communicate with patients by electronic communications other than telephone or facsimile must provide patients with written or electronic notification of the physicians' privacy practices prior to evaluation or treatment via a telemedicine medical service. In addition, a good faith effort must be made to obtain the patient's written or electronic acknowledgement, including by e-mail, of the notice.

(2) The notice of privacy practices shall include language that is consistent with federal standards under 45 CFR Parts 160 and 164 relating to privacy of individually identifiable health information.

(3) Complaints to the Board. Physicians that utilize telemedicine medical services must provide notice of how patients may file a complaint with the Board on the physician's website or with informed consent materials provided to patients prior to the telemedicine medical service. Content and method of the notice must be consistent with § 178.3 of this title (relating to Complaint Procedure Notification).

# **Section 174.8 - State licensure (Texas Administrative Code)**

## **§ 174.8. State Licensure**

Physicians who treat and prescribe through communications technology are practicing medicine and must possess a full Texas medical license when treating residents of Texas. An out-of-state physician may provide episodic consultations without a Texas medical license, as provided in Texas Occupations Code, § 151.056, § 172.2(g)(4) of this title (relating to Construction and Definitions), and § 172.12(f) of this title (relating to Out-of-State Telemedicine License)

# **Section 174.6 - Minimum standards for the provision of telemedicine medical services (Texas Administrative Code)**

## **§ 174.6. Minimum Standards for the Provision of Telemedicine Medical Services**

(a) A health professional providing a health care service or procedure as a telemedicine medical service:

(1) is subject to the same standard of care that would apply to the provision of the same health care service or procedures in an in person setting;

(2) must establish a practitioner-patient relationship; and

(3) must maintain complete and accurate medical records as set out in § 165.1 of this title (relating to Medical Records).

(b) Adequate measures must be implemented to ensure that patient communications, recordings and records are protected consistent with Federal and State privacy laws.