

Texas takes aim at telemedicine care for patients

April 30 2015, by David Warren

The state of Texas and telemedicine advocates are in a legal tussle over patients who receive doctor consultations through video.

The state's medical board has implemented rules scheduled to take effect in June that place restrictions on the practice, drawing a rebuke from those who say the technology serves a crucial role, particularly in remote regions where doctors are few. A Dallas company, Teladoc, has filed a lawsuit to block the state's action, arguing that it "would raise prices and reduce access to physician services in Texas."

The lawsuit was filed Wednesday in federal court in Austin, against the backdrop of the growing use of telemedicine in physician care.

"It is clear that the [medical board](#) acted only when Teladoc consultations became sufficiently numerous to be perceived as a competitive threat to brick-and-mortar physician practices," Teladoc CEO Jason Gorevic said in a statement announcing the lawsuit.

He argues that "not one shred of data was presented" during the Texas Medical Board's discussions to support any claim that telemedicine can pose a risk to patients. The board also ignored comments by consumers, physicians and others opposing the regulations adopted April 10, said Gorevic, whose company is one of the leading telemedicine providers in the U.S.

The rules cover a few areas. One requirement is that patients travel to an

"established medical site" for an initial appointment, although that meeting with a doctor may be either in-person or via teleconference. The patient could have the appointment from home as long as a medical assistant is present to relay vital signs and other data to the doctor.

Dr. Michael Arambula, president of the board, has said the intention is to ensure safe, quality care. He said in an earlier statement that the board wants to avoid any sort of initial treatment done by telephone that doesn't provide "any objective diagnostic data" to help a doctor serve a patient.

"The board recognizes that as technology evolves, so too must regulations governing telemedicine," Arambula said.

Gorevic noted that the rules require that a physician have an established relationship with a patient to provide treatment. "Imagine if you could only shop online from a store that you'd already visited in-person and how that would impact business innovation and customer care," he said.

Jonathan Linkous, CEO of the American Telemedicine Association, said doctor-patient teleconferences are only a portion of a growing industry. He said telemedicine fills an important gap in rural areas that have a shortage of not just doctors who offer specialized care but also general practitioners.

Texas ranks 47th in the nation in [primary care physicians](#) per 100,000 people, according to AMN Healthcare. Thirty-five Texas counties have no physician; an additional 80 have five or fewer.

"The fact that medical boards are starting to pay attention to this is probably a good thing because that means [telemedicine](#) is playing a larger role in patient care," Linkous said.

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