

SENATE BILL 781

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2lr2323
CF 2lr2351

By: **Senators Pugh, Mathias, Middleton, and Montgomery**

Introduced and read first time: February 3, 2012

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Coverage for Telemedicine Services**

3 FOR the purpose of requiring certain insurers, nonprofit health service plans, and
4 health maintenance organizations to provide the same coverage for health care
5 services delivered in person or through a telemedicine service; prohibiting
6 certain insurers, nonprofit health service plans, and health maintenance
7 organizations from excluding a health care service from coverage solely because
8 it is delivered by a telemedicine service and not in another manner; requiring
9 certain insurers, nonprofit health service plans, and health maintenance
10 organizations to reimburse health care providers for certain services on a
11 certain basis under certain circumstances; authorizing the imposition of a
12 deductible, copayment, coinsurance amount, annual dollar maximum, or
13 lifetime dollar maximum under certain circumstances; authorizing certain
14 insurers, nonprofit health service plans, and health maintenance organizations
15 to undertake certain utilization review under certain circumstances; prohibiting
16 a health insurance policy or contract from distinguishing between patients in
17 rural or urban locations in providing certain coverage; providing that a certain
18 decision constitutes a certain adverse decision under certain circumstances;
19 requiring the Maryland Medical Assistance Program to provide certain
20 reimbursement under certain circumstances; making certain provisions of this
21 Act applicable to health maintenance organizations; providing that the health
22 benefit options that the Secretary of Budget and Management includes in the
23 State Employee and Retiree Health and Welfare Benefits Program may not
24 discriminate in a certain manner and shall provide certain coverage; requiring
25 the Department of Public Safety and Correctional Services to make a certain
26 study and report to the General Assembly on or before a certain date; defining a
27 certain term; providing for the application of this Act; and generally relating to
28 coverage for telemedicine services under health insurance.

29 BY adding to

30 Article – Insurance

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 15–139
2 Annotated Code of Maryland
3 (2011 Replacement Volume)

4 BY repealing and reenacting, with amendments,
5 Article – Health – General
6 Section 15–105.2
7 Annotated Code of Maryland
8 (2009 Replacement Volume and 2011 Supplement)

9 BY adding to
10 Article – Health – General
11 Section 19–706(III)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2011 Supplement)

14 BY adding to
15 Article – State Personnel and Pensions
16 Section 2–518
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2011 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Insurance**

22 **15–139.**

23 **(A) (1) IN THIS SECTION, “TELEMEDICINE SERVICE” MEANS, AS IT**
24 **RELATES TO THE DELIVERY OF HEALTH CARE SERVICES, THE USE OF**
25 **INTERACTIVE AUDIO, VIDEO, OR OTHER TELECOMMUNICATIONS OR**
26 **ELECTRONIC TECHNOLOGY BY A LICENSED HEALTH CARE PROVIDER TO**
27 **DELIVER A HEALTH CARE SERVICE WITHIN THE SCOPE OF PRACTICE OF THE**
28 **HEALTH CARE PROVIDER AT A SITE OTHER THAN THE SITE AT WHICH THE**
29 **PATIENT IS LOCATED.**

30 **(2) “TELEMEDICINE SERVICE” DOES NOT INCLUDE:**

31 **(I) AN AUDIO–ONLY TELEPHONE CONVERSATION BETWEEN**
32 **A HEALTH CARE PROVIDER AND A PATIENT;**

33 **(II) AN ELECTRONIC MAIL MESSAGE BETWEEN A HEALTH**
34 **CARE PROVIDER AND A PATIENT; OR**

1 **(III) A FACSIMILE TRANSMISSION BETWEEN A HEALTH CARE**
2 **PROVIDER AND A PATIENT.**

3 **(B) THIS SECTION APPLIES TO:**

4 **(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT**
5 **PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR**
6 **GROUPS ON AN EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE**
7 **POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND**

8 **(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE**
9 **HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS**
10 **UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.**

11 **(C) AN ENTITY SUBJECT TO THIS SECTION:**

12 **(1) SHALL PROVIDE THE SAME COVERAGE UNDER A HEALTH**
13 **INSURANCE POLICY OR CONTRACT FOR HEALTH CARE SERVICES DELIVERED**
14 **IN PERSON OR THROUGH A TELEMEDICINE SERVICE; AND**

15 **(2) MAY NOT EXCLUDE FROM COVERAGE A HEALTH CARE**
16 **SERVICE SOLELY BECAUSE IT IS PROVIDED THROUGH A TELEMEDICINE SERVICE**
17 **AND IS NOT PROVIDED THROUGH AN IN-PERSON CONSULTATION OR CONTACT**
18 **BETWEEN A HEALTH CARE PROVIDER AND A PATIENT.**

19 **(D) AN ENTITY SUBJECT TO THIS SECTION:**

20 **(1) SHALL REIMBURSE A HEALTH CARE PROVIDER FOR THE**
21 **DIAGNOSIS, CONSULTATION, AND TREATMENT OF AN INSURED PATIENT FOR A**
22 **HEALTH CARE SERVICE COVERED UNDER A HEALTH INSURANCE POLICY OR**
23 **CONTRACT ON THE SAME BASIS REGARDLESS OF WHETHER THE HEALTH CARE**
24 **SERVICE IS DELIVERED THROUGH AN IN-PERSON CONSULTATION OR THROUGH**
25 **A TELEMEDICINE SERVICE;**

26 **(2) IS NOT REQUIRED TO:**

27 **(I) REIMBURSE A HEALTH CARE PROVIDER FOR A HEALTH**
28 **CARE SERVICE DELIVERED IN PERSON OR THROUGH A TELEMEDICINE SERVICE**
29 **THAT IS NOT A COVERED BENEFIT UNDER THE HEALTH INSURANCE POLICY OR**
30 **CONTRACT; OR**

1 SERVICE, AS DEFINED IN § 15-139 OF THE INSURANCE ARTICLE, IN THE SAME
2 MANNER AS THE SAME HEALTH CARE SERVICE IS REIMBURSED WHEN
3 DELIVERED IN PERSON.

4 19-706.

5 (LLLL) THE PROVISIONS OF § 15-139 OF THE INSURANCE ARTICLE
6 APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

7 Article – State Personnel and Pensions

8 2-518.

9 THE HEALTH INSURANCE BENEFIT OPTIONS THAT THE SECRETARY
10 INCLUDES IN THE PROGRAM:

11 (1) MAY NOT DISCRIMINATE AGAINST THE DELIVERY OF HEALTH
12 CARE SERVICES BY A TELEMEDICINE SERVICE, AS DEFINED IN § 15-139 OF THE
13 INSURANCE ARTICLE; AND

14 (2) SHALL PROVIDE THE SAME COVERAGE FOR HEALTH CARE
15 SERVICES DELIVERED EITHER IN PERSON OR THROUGH A TELEMEDICINE
16 SERVICE, AS DEFINED IN § 15-139 OF THE INSURANCE ARTICLE.

17 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
18 Public Safety and Correctional Services shall study the use of telemedicine to identify
19 opportunities to reduce the costs of delivering health care services to inmates
20 incarcerated in a State or local correctional facility, such as reducing the cost of secure
21 transportation. On or before December 1, 2012, the Department shall report to the
22 General Assembly, in accordance with § 2-1246 of the State Government Article, on
23 its study and include a plan for implementing the use of telemedicine to deliver health
24 care services to inmates.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to all
26 policies, contracts, and health benefit plans issued, delivered, or renewed in the State
27 on or after October 1, 2012.

28 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2012.