

## Chapter 280

(Senate Bill 496)

AN ACT concerning

### Maryland Medical Assistance Program – Telemedicine

FOR the purpose of requiring the Maryland Medical Assistance Program to provide certain reimbursement for certain services delivered by telemedicine *under certain circumstances; requiring the Department of Health and Mental Hygiene to adopt regulations for a certain purpose*; and generally relating to the Maryland Medical Assistance Program and telemedicine.

BY repealing and reenacting, with amendments,  
 Article – Health – General  
 Section 15–105.2  
 Annotated Code of Maryland  
 (2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Insurance  
 Section 15–139(a)  
 Annotated Code of Maryland  
 (2011 Replacement Volume and 2012 Supplement)

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

#### Article – Health – General

15–105.2.

(A) The Program shall reimburse health care providers in accordance with the requirements of Title 19, Subtitle 1, Part IV of this article.

(B) **(1) ~~UNLESS SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND UNLESS~~ OTHERWISE SPECIFICALLY PROHIBITED OR LIMITED BY FEDERAL OR STATE LAW, THE PROGRAM SHALL REIMBURSE A HEALTH CARE PROVIDER FOR A HEALTH CARE SERVICE DELIVERED BY TELEMEDICINE, AS DEFINED IN § 15–139 OF THE INSURANCE ARTICLE, IN THE SAME MANNER AS THE SAME HEALTH CARE SERVICE IS REIMBURSED WHEN DELIVERED IN PERSON.**

**(2) REIMBURSEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION IS REQUIRED ONLY FOR A HEALTH CARE SERVICE THAT:**

**(I) IS MEDICALLY NECESSARY; AND**

**(II) IS PROVIDED:**

**1. FOR THE TREATMENT OF CARDIOVASCULAR DISEASE OR STROKE;**

**2. IN AN EMERGENCY DEPARTMENT SETTING; AND**

**3. WHEN AN APPROPRIATE SPECIALIST IS NOT AVAILABLE.**

**(3) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.**

#### Article – Insurance

15–139.

(a) (1) In this section, “telemedicine” means, as it relates to the delivery of health care services, the use of interactive audio, video, or other telecommunications or electronic technology by a licensed health care provider to deliver a health care service within the scope of practice of the health care provider at a site other than the site at which the patient is located.

(2) “Telemedicine” does not include:

(i) an audio–only telephone conversation between a health care provider and a patient;

(ii) an electronic mail message between a health care provider and a patient; or

(iii) a facsimile transmission between a health care provider and a patient.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

**Approved by the Governor, May 2, 2013.**