

# HOUSE BILL 802

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CF SB 198

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By: **Delegates Lee, Smigiel, Nathan-Pulliam, Carr, Cullison, Elliott, Gutierrez, Guzzone, Healey, Howard, A. Kelly, Krebs, McComas, McDonough, A. Miller, Murphy, B. Robinson, Simmons, Stocksdales, and A. Washington**

Introduced and read first time: February 3, 2014  
Assigned to: Health and Government Operations

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## A BILL ENTITLED

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; repealing the limitations on the health care services delivered by telemedicine that are eligible for reimbursement; 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 2013 Supplement)

BY repealing and reenacting, without amendments,  
Article – Insurance  
Section 15–139(a)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2013 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.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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) Subject to paragraph (2) of this subsection and unless] **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, 2014.