

SENATE BILL 242

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6lr0523
CF HB 886

By: **Senators Kelley, Astle, Conway, Feldman, Jennings, Klausmeier, Lee, Madaleno, Mathias, Pugh, Raskin, Reilly, Rosapepe, ~~and Young Young, Benson, Hershey, and Middleton~~**

Introduced and read first time: January 22, 2016

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2016

CHAPTER _____

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Telemedicine – Modifications**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene, under certain
4 circumstances, to include primary care providers in the types of health care providers
5 eligible to receive reimbursement for health care services that are delivered through
6 telemedicine and provided to Maryland Medical Assistance Program recipients;
7 ~~prohibiting~~ authorizing the Department ~~from requiring~~ to require a health care
8 provider to ~~comply with administrative requirements for reimbursement for health~~
9 ~~care services that are delivered through telemedicine that are not required for~~
10 ~~reimbursement for health care services that are delivered in person~~ submit a certain
11 form to the Department; requiring the Department, in consultation with the
12 Maryland Health Care Commission, to ~~provide an opportunity for stakeholders to~~
13 ~~participate in the development of certain regulations~~; requiring the Department to
14 ~~submit a draft of the regulations to certain legislative committees and provide a~~
15 ~~certain period of time for review and comment~~ submit a certain report to certain
16 committees of the General Assembly on or before a certain date; and generally
17 relating to Maryland Medical Assistance Program reimbursement for health care
18 services that are delivered through telemedicine.

19 BY repealing and reenacting, with amendments,

20 Article – Health – General

21 Section 15–105.2

22 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2015 Replacement Volume)

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

4 **Article – Health – General**

5 15–105.2.

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

8 (b) (1) (i) In this subsection the following words have the meanings
9 indicated.

10 (ii) “Health care provider” means a person who is licensed, certified,
11 or otherwise authorized under the Health Occupations Article to provide health care in the
12 ordinary course of business or practice of a profession or in an approved education or
13 training program.

14 (iii) 1. “Telemedicine” means, as it relates to the delivery of
15 health care services, the use of interactive audio, video, or other telecommunications or
16 electronic technology:

17 A. By a health care provider to deliver a health care service
18 that is within the scope of practice of the health care provider at a site other than the site
19 at which the patient is located; and

20 B. That enables the patient to see and interact with the
21 health care provider at the time the health care service is provided to the patient.

22 2. “Telemedicine” does not include:

23 A. An audio–only telephone conversation between a health
24 care provider and a patient;

25 B. An electronic mail message between a health care provider
26 and a patient; or

27 C. A facsimile transmission between a health care provider
28 and a patient.

29 (2) To the extent authorized by federal law or regulation, the provisions of
30 § 15–139(c) through (f) of the Insurance Article relating to coverage of and reimbursement
31 for health care services delivered through telemedicine shall apply to the Program and
32 managed care organizations in the same manner they apply to carriers.

1 (3) Subject to the limitations of the State budget and to the extent
 2 authorized by federal law or regulation, the Department may authorize coverage of and
 3 reimbursement for health care services that are delivered through store and forward
 4 technology or remote patient monitoring.

5 (4) (I) The Department may specify by regulation the types of health
 6 care providers eligible to receive reimbursement for health care services provided to
 7 Program recipients under this subsection.

8 (II) IF THE DEPARTMENT SPECIFIES BY REGULATION THE
 9 TYPES OF HEALTH CARE PROVIDERS ELIGIBLE TO RECEIVE REIMBURSEMENT FOR
 10 HEALTH CARE SERVICES PROVIDED TO PROGRAM RECIPIENTS UNDER THIS
 11 SUBSECTION, THE TYPES OF HEALTH CARE PROVIDERS SPECIFIED SHALL INCLUDE
 12 PRIMARY CARE PROVIDERS.

13 (5) ~~THE DEPARTMENT MAY NOT REQUIRE A HEALTH CARE PROVIDER~~
 14 ~~TO COMPLY WITH ADMINISTRATIVE REQUIREMENTS, INCLUDING APPROVAL OF A~~
 15 ~~PROVIDER ADDENDUM, FOR REIMBURSEMENT FOR HEALTH CARE SERVICES THAT~~
 16 ~~ARE DELIVERED THROUGH TELEMEDICINE THAT ARE NOT REQUIRED FOR~~
 17 ~~REIMBURSEMENT FOR HEALTH CARE SERVICES THAT ARE DELIVERED IN PERSON~~
 18 REQUIRE A HEALTH CARE PROVIDER TO SUBMIT A REGISTRATION FORM TO THE
 19 DEPARTMENT THAT INCLUDES INFORMATION REQUIRED FOR THE PROCESSING OF
 20 CLAIMS FOR REIMBURSEMENT FOR HEALTH CARE SERVICES PROVIDED TO
 21 PROGRAM RECIPIENTS UNDER THIS SUBSECTION.

22 [(5)] (6) (I) The Department shall adopt regulations to carry out this
 23 subsection.

24 (II) ~~THE DEPARTMENT SHALL:~~

25 ~~1. PROVIDE AN OPPORTUNITY FOR STAKEHOLDERS TO~~
 26 ~~PARTICIPATE IN THE DEVELOPMENT OF THE REGULATIONS; AND~~

27 ~~2. A. SUBMIT A DRAFT OF THE REGULATIONS TO THE~~
 28 ~~SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT~~
 29 ~~OPERATIONS COMMITTEE; AND~~

30 ~~B. PROVIDE THE COMMITTEES WITH A 30 DAY PERIOD~~
 31 ~~FOR REVIEW AND COMMENT.~~

32 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2016,
 33 the Department of Health and Mental Hygiene, in consultation with the Maryland Health
 34 Care Commission, shall submit a report, in accordance with § 2-1246 of the State
 35 Government Article, to the Senate Finance Committee and the House Health and
 36 Government Operations Committee;

1 (1) assessing the telehealth policies of select Medicaid programs in other
2 states, including reimbursement for telehealth services provided in a home setting; and

3 (2) detailing planned enhancements to the Maryland Medicaid telehealth
4 program.

5 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 ~~October~~ June 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.