

**Department of Legislative Services**  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**Enrolled - Revised**

Senate Bill 1106

(Senator Zucker)

Education, Health, and Environmental Affairs

Health and Government Operations

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**Health Care Practitioners - Use of Teletherapy**

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This bill authorizes health care practitioners who provide behavioral health services and are licensed in the State by the State boards of Nursing, Physicians, Professional Counselors and Therapists, Psychologists, and Social Workers to use teletherapy if they comply with specified requirements. By April 1, 2018, the boards must adopt regulations that, to the extent practicable, are uniform and nonclinical, for the use of teletherapy by health care practitioners in accordance with the bill.

The bill's provisions authorizing health care practitioners to use teletherapy take effect October 1, 2018.

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**Fiscal Summary**

**State Effect:** Teletherapy regulations can be adopted by the respective boards using existing budgeted resources. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** Meaningful for health care practitioners authorized to use teletherapy under the bill.

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**Analysis**

**Bill Summary:** "Teletherapy" means telemedicine, as defined in § 15-139 of the Insurance Article, used to deliver behavioral health services.

To use teletherapy, a health care practitioner must (1) establish a patient-practitioner relationship with the patient for whom teletherapy is being used; (2) provide for the privacy of communications made through teletherapy; and (3) address, to the extent practicable, the need to maintain the safety and well-being of patients for whom teletherapy is being used.

**Current Law:** Section 15-139 of the Insurance Article defines “telemedicine” – as it relates to the delivery of health care services – as 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. “Telemedicine” does not include an audio-only telephone conversation, an email message, or a fax transmission between a health care provider and a patient.

Chapters 579 and 580 of 2012 require insurers, nonprofit health service plans, and health maintenance organizations to cover and reimburse for health care services appropriately delivered through telemedicine. Telemental health services are provided under the Maryland Medicaid program and the public mental health system. Several private providers also offer mental health services via telemedicine.

**Background:** The use of telecommunications technologies in the provision of mental health therapy has increased in recent years due to ongoing development of new technologies and the expansion of payment for telemedicine services. Industry associations, such as the American Psychological Association and the American Telemedicine Association, have developed guidelines for the provision of such services. These guidelines address such issues as the competence of practitioners, patient safety, standards of care, informed consent, confidentiality/security/disposal of data and information, testing and assessment, and interjurisdictional practice.

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### **Additional Information**

**Prior Introductions:** HB 1103 of 2016, a similar bill, was heard by the House Health and Government Operations Committee but was later withdrawn.

**Cross File:** HB 352 (Delegate Reznik, *et al.*) - Health and Government Operations.

**Information Source(s):** American Psychological Association; American Telemedicine Association; Department of Health and Mental Hygiene; Department of Legislative Services

**Fiscal Note History:**  
mm/ljm

First Reader - March 10, 2017  
Third Reader - April 4, 2017  
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Analysis by: Jennifer B. Chasse

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510