

# HOUSE BILL 1197

J1, C3

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CF SB 706

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By: **Delegates Pena–Melnyk, Atterbeary, Gutierrez, Healey, Hettleman, C. Howard, Kelly, Krimm, R. Lewis, A. Miller, Morales, Tarlau, and K. Young**

Introduced and read first time: February 8, 2018

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Telehealth – Coverage for Breast Cancer Services**

3 FOR the purpose of requiring that the health care services appropriately delivered through  
4 telehealth include certain services for breast cancer delivered to a patient in a home  
5 setting for the purpose of certain provisions of law requiring certain insurers,  
6 nonprofit health service plans, and health maintenance organizations and the  
7 Maryland Medical Assistance Program to provide certain coverage and  
8 reimbursement for health care services delivered through telehealth; requiring the  
9 Maryland Department of Health, in consultation with the Maryland Health Care  
10 Commission and the Maryland Insurance Administration, to report certain  
11 recommendations to certain committees of the General Assembly on or before a  
12 certain date; conforming certain terminology; providing for the application of this  
13 Act; and generally relating to coverage of and reimbursement for breast cancer  
14 services delivered through telehealth.

15 BY repealing and reenacting, with amendments,  
16 Article – Health – General  
17 Section 15–105.2(b)(2)  
18 Annotated Code of Maryland  
19 (2015 Replacement Volume and 2017 Supplement)

20 BY repealing and reenacting, without amendments,  
21 Article – Health – General  
22 Section 15–105.2(b)(6)  
23 Annotated Code of Maryland  
24 (2015 Replacement Volume and 2017 Supplement)

25 BY repealing and reenacting, without amendments,  
26 Article – Insurance

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 15–139(a) and (b)  
2 Annotated Code of Maryland  
3 (2017 Replacement Volume)

4 BY repealing and reenacting, with amendments,  
5 Article – Insurance  
6 Section 15–139(c)  
7 Annotated Code of Maryland  
8 (2017 Replacement Volume)

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

11 **Article – Health – General**

12 15–105.2.

13 (b) (2) To the extent authorized by federal law or regulation, the provisions of  
14 § 15–139(c) through (f) of the Insurance Article relating to coverage of and reimbursement  
15 for health care services delivered through [telemedicine] **TELEHEALTH** shall apply to the  
16 Program and managed care organizations in the same manner they apply to carriers.

17 (6) The Department shall adopt regulations to carry out this subsection.

18 **Article – Insurance**

19 15–139.

20 (a) (1) In this section, “telehealth” means, as it relates to the delivery of health  
21 care services, the use of interactive audio, video, or other telecommunications or electronic  
22 technology by a licensed health care provider to deliver a health care service within the  
23 scope of practice of the health care provider at a location other than the location of the  
24 patient.

25 (2) “Telehealth” does not include:

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

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

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

32 (b) This section applies to:

1 (1) insurers and nonprofit health service plans that provide hospital,  
2 medical, or surgical benefits to individuals or groups on an expense-incurred basis under  
3 health insurance policies or contracts that are issued or delivered in the State; and

4 (2) health maintenance organizations that provide hospital, medical, or  
5 surgical benefits to individuals or groups under contracts that are issued or delivered in  
6 the State.

7 (c) (1) An entity subject to this section:

8 (i) shall provide coverage under a health insurance policy or  
9 contract for health care services appropriately delivered through telehealth; and

10 (ii) may not exclude from coverage a health care service solely  
11 because it is provided through telehealth and is not provided through an in-person  
12 consultation or contact between a health care provider and a patient.

13 (2) The health care services appropriately delivered through telehealth  
14 shall include:

15 (I) counseling for substance use disorders; AND

16 (II) **DIAGNOSTIC AND SYMPTOM MANAGEMENT SERVICES FOR**  
17 **BREAST CANCER DELIVERED TO A PATIENT IN A HOME SETTING.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,  
19 2018, the Maryland Department of Health, in consultation with the Maryland Health Care  
20 Commission and the Maryland Insurance Administration, shall report to the Senate  
21 Finance Committee and the House Health and Government Operations Committee, in  
22 accordance with § 2-1246 of the State Government Article, on recommendations for:

23 (1) services delivered through telehealth for breast cancer patients that  
24 can effectively be delivered to a patient in a home setting; and

25 (2) appropriate reimbursement and other modifications necessary to  
26 implement expansion of telehealth coverage to include diagnostic, symptom management,  
27 and other related services for breast cancer delivered to a patient in a home setting.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
29 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or  
30 after January 1, 2019.

31 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
32 1, 2018.