

HOUSE BILL 1652

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CF SB 704

By: **Delegates Sample–Hughes, Barron, and Lam**

Introduced and read first time: February 9, 2018

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2018

CHAPTER _____

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Telemedicine – Assertive Community**
3 **Treatment and Mobile Treatment Services**

4 FOR the purpose of requiring the Maryland Department of Health, under certain
5 circumstances, to include psychiatrists who are providing Assertive Community
6 Treatment or mobile treatment services to certain Maryland Medical Assistance
7 Program recipients in the types of providers eligible to receive reimbursement for
8 health care services that are delivered through telemedicine and provided to
9 Program recipients; providing that a certain health care service provided through
10 telemedicine by a certain psychiatrist is equivalent to the same health care service
11 when provided through an in–person consultation for a certain purpose; requiring
12 the Department to report to certain committees of the General Assembly on certain
13 matters on or before a certain date; providing for the termination of this Act; and
14 generally relating to the Maryland Medical Assistance Program and telemedicine.

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

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

22 **Article – Health – General**

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 15–105.2.

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

4 (b) (1) (i) In this subsection the following words have the meanings
5 indicated.

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

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

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

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

18 2. “Telemedicine” does not include:

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

21 B. An electronic mail message between a health care provider
22 and a patient; or

23 C. A facsimile transmission between a health care provider
24 and a patient.

25 (2) To the extent authorized by federal law or regulation, the provisions of
26 § 15–139(c) through (f) of the Insurance Article relating to coverage of and reimbursement
27 for health care services delivered through telemedicine shall apply to the Program and
28 managed care organizations in the same manner they apply to carriers.

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

1 (4) (i) The Department may specify by regulation the types of health
2 care providers eligible to receive reimbursement for health care services provided to
3 Program recipients under this subsection.

4 (ii) If the Department specifies by regulation the types of health care
5 providers eligible to receive reimbursement for health care services provided to Program
6 recipients under this subsection, the types of health care providers specified shall include
7 [primary]:

8 1. PRIMARY care providers; AND

9 2. PSYCHIATRISTS WHO ARE PROVIDING ASSERTIVE
10 COMMUNITY TREATMENT OR MOBILE TREATMENT SERVICES TO PROGRAM
11 RECIPIENTS LOCATED IN A HOME OR COMMUNITY-BASED SETTING.

12 (iii) FOR THE PURPOSE OF REIMBURSEMENT AND ANY FIDELITY
13 STANDARDS ESTABLISHED BY THE DEPARTMENT, A HEALTH CARE SERVICE
14 PROVIDED THROUGH TELEMEDICINE BY A PSYCHIATRIST DESCRIBED UNDER
15 SUBPARAGRAPH (II)2 OF THIS PARAGRAPH IS EQUIVALENT TO THE SAME HEALTH
16 CARE SERVICE WHEN PROVIDED THROUGH AN IN-PERSON CONSULTATION.

17 (5) The Department may require a health care provider to submit a
18 registration form to the Department that includes information required for the processing
19 of claims for reimbursement for health care services provided to Program recipients under
20 this subsection.

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September 30,
23 2020, the Maryland Department of Health shall report, in accordance with § 2-1246 of the
24 State Government Article, to the Senate Finance Committee and the House Health and
25 Government Operations Committee on the effect on Medical Assistance Program general
26 fund expenditures of reimbursing telemedicine services from psychiatrists who are
27 providing Assertive Community Treatment or mobile treatment services, as required by
28 Section 1 of this Act.

29 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2018. It shall remain effective for a period of 2 years and, at the end of September
31 30, 2020, this Act, with no further action required by the General Assembly, shall be
32 abrogated and of no further force and effect.