

# HOUSE BILL 605

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CF SB 524

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By: **Delegate Kelly**

Introduced and read first time: February 6, 2019

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Telemedicine – Psychiatric Nurse**  
3 **Practitioners**

4 FOR the purpose of requiring the Maryland Department of Health, under certain  
5 circumstances, to include psychiatric nurse practitioners who are providing  
6 Assertive Community Treatment or mobile treatment services to certain Maryland  
7 Medical Assistance Program recipients in the types of providers eligible to receive  
8 reimbursement for health care services that are delivered through telemedicine and  
9 provided to Program recipients; providing that a certain health care service provided  
10 through telemedicine by a certain psychiatric nurse practitioner is equivalent to the  
11 same health care service when provided through an in-person consultation for a  
12 certain purpose; requiring the Department to report to certain committees of the  
13 General Assembly on certain matters on or before a certain date; and generally  
14 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 2018 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**

23 15–105.2.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

15 2. “Telemedicine” does not include:

16 A. An audio-only telephone conversation between a health  
17 care provider and a patient;

18 B. An electronic mail message between a health care provider  
19 and a patient; or

20 C. A facsimile transmission between a health care provider  
21 and a patient.

22 (2) To the extent authorized by federal law or regulation, the provisions of  
23 § 15–139(c) through (f) of the Insurance Article relating to coverage of and reimbursement  
24 for health care services delivered through telemedicine shall apply to the Program and  
25 managed care organizations in the same manner they apply to carriers.

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

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

33 (ii) If the Department specifies by regulation the types of health care  
34 providers eligible to receive reimbursement for health care services provided to Program  
35 recipients under this subsection, the types of health care providers specified shall include:

1                   1.     Primary care providers; and

2                   2.     Psychiatrists     AND     PSYCHIATRIC     NURSE  
3     **PRACTITIONERS, AS DEFINED IN § 10-601 OF THIS ARTICLE**, who are providing  
4     Assertive Community Treatment or mobile treatment services to Program recipients  
5     located in a home or community-based setting.

6                   (iii)   For the purpose of reimbursement and any fidelity standards  
7     established by the Department, a health care service provided through telemedicine by a  
8     psychiatrist **OR A PSYCHIATRIC NURSE PRACTITIONER** described under subparagraph  
9     (ii)2 of this paragraph is equivalent to the same health care service when provided through  
10    an in-person consultation.

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

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

16                  SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September 30,  
17    2021, the Maryland Department of Health shall report, in accordance with § 2-1246 of the  
18    State Government Article, to the Senate Finance Committee and the House Health and  
19    Government Operations Committee on the effect on Medical Assistance Program general  
20    fund expenditures of reimbursing telemedicine services from psychiatric nurse  
21    practitioners who are providing Assertive Community Treatment or mobile treatment  
22    services, as required by Section 1 of this Act.

23                  SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24    October 1, 2019.