

# HOUSE BILL 1200

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By: **Delegate Valderrama**

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance – Telepsychiatry – Requirements**

3 FOR the purpose of altering certain coverage and reimbursement requirements for  
4 psychiatric health care services delivered through telemedicine under the Maryland  
5 Medical Assistance Program; requiring the Maryland Department of Health to  
6 provide coverage of and reimbursement for certain psychiatric health care services  
7 that are delivered through telepsychiatry; deeming a psychiatric health care service  
8 provided through telepsychiatry to be equivalent to a certain psychiatric health care  
9 service for a certain purpose; requiring the Department to submit a certain  
10 amendment to the Medicaid State Plan to a certain federal agency; prohibiting the  
11 Department from limiting eligibility for reimbursement of certain psychiatric health  
12 care services under the Program on a certain basis; repealing certain requirements  
13 for certain regulations on certain types of health care providers receiving certain  
14 reimbursement under the Program; requiring the Department to develop and make  
15 available to the public on the Department’s website a certain directory; repealing the  
16 authority of the Department to authorize coverage of and reimbursement of certain  
17 health care services; repealing a certain provision of law providing that certain  
18 provisions of law relating to the coverage of and reimbursement for health care  
19 services delivered through telemedicine apply to the Program and managed care  
20 organizations in a certain manner; altering certain definitions; and generally  
21 relating to the Maryland Medical Assistance Program and telepsychiatry.

22 BY repealing and reenacting, with amendments,  
23 Article – Health – General  
24 Section 15–105.2  
25 Annotated Code of Maryland  
26 (2015 Replacement Volume and 2018 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Health – General

15–105.2.

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

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

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

(iii) 1. [“Telemedicine”] **“TELEPSYCHIATRY”** means, as it relates to the delivery of **PSYCHIATRIC** health care services, the use of interactive audio, video, or other telecommunications or electronic technology[:

A. By] **BY** a health care provider to deliver a **PSYCHIATRIC** health care service that is within the scope of practice of the health care provider at a [site] **LOCATION** other than the [site at which the patient is located; and

B. That enables the patient to see and interact with the health care provider at the time the health care service is provided to the patient] **LOCATION OF THE PATIENT.**

2. [“Telemedicine”] **“TELEPSYCHIATRY”** does not include:

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

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

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

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

(3) Subject to the limitations of the State budget and to the extent authorized by federal law or regulation, the] **THE** Department [may authorize] **SHALL PROVIDE** coverage of and reimbursement for **PSYCHIATRIC** health care services that are

1 APPROPRIATELY delivered through TELEPSYCHIATRY, INCLUDING PSYCHIATRIC  
2 HEALTH CARE SERVICES THAT ARE DELIVERED THROUGH store and forward  
3 technology or remote patient monitoring.

4 **(3) FOR THE PURPOSE OF REIMBURSEMENT, A PSYCHIATRIC HEALTH**  
5 **CARE SERVICE PROVIDED THROUGH TELEPSYCHIATRY IS DEEMED TO BE**  
6 **EQUIVALENT TO THE SAME PSYCHIATRIC HEALTH CARE SERVICE WHEN PROVIDED**  
7 **THROUGH AN IN-PERSON CONSULTATION.**

8 **(4) THE DEPARTMENT SHALL SUBMIT TO THE FEDERAL CENTERS**  
9 **FOR MEDICARE AND MEDICAID SERVICES AN AMENDMENT TO THE MEDICAID**  
10 **STATE PLAN THAT STRIKES ALL PROVISIONS IN THE MEDICAID STATE PLAN THAT**  
11 **RELATE TO COVERAGE OF AND REIMBURSEMENT FOR PSYCHIATRIC HEALTH CARE**  
12 **SERVICES PROVIDED THROUGH TELEPSYCHIATRY.**

13 ~~[(4)]~~ **(5)** (i) The Department may [specify by regulation the types of  
14 health care providers eligible to receive reimbursement for health care services provided to  
15 Program recipients under this subsection] **NOT LIMIT ELIGIBILITY FOR**  
16 **REIMBURSEMENT OF PSYCHIATRIC HEALTH CARE SERVICES PROVIDED THROUGH**  
17 **TELEPSYCHIATRY UNDER THIS SECTION BASED ON THE TYPE OF SETTING IN WHICH**  
18 **THE PSYCHIATRIC HEALTH CARE SERVICES ARE PROVIDED TO PROGRAM**  
19 **RECIPIENTS.**

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

23 1. Primary care providers; and

24 2. Psychiatrists who are providing Assertive Community  
25 Treatment or mobile treatment services to Program recipients located in a home or  
26 community-based setting.

27 (iii) For the purpose of reimbursement and any fidelity standards  
28 established by the Department, a health care service provided through telemedicine by a  
29 psychiatrist described under subparagraph (ii)2 of this paragraph is equivalent to the same  
30 health care service when provided through an in-person consultation.]

31 ~~[(5)]~~ **(6) (I)** The Department may require a health care provider to  
32 submit a registration form to the Department that includes information required for the  
33 processing of claims for reimbursement for **PSYCHIATRIC** health care services provided to  
34 Program recipients under this subsection.

35 **(II) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE**  
36 **TO THE PUBLIC ON THE DEPARTMENT'S WEBSITE A DIRECTORY THAT LISTS THE**

1 HEALTH CARE PROVIDERS WHO ARE REGISTERED AS PROVIDING PSYCHIATRIC  
2 HEALTH CARE SERVICES TO PROGRAM RECIPIENTS THROUGH TELEPSYCHIATRY  
3 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

4                    [(6)] (7)        The Department shall adopt regulations to carry out this  
5 subsection.

6                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2019.