

SENATE BILL 1080

J1, E4

EMERGENCY BILL

0lr3783
CF HB 1663

By: **The President and Senator Lam**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 4, 2020

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – State of Emergency and Catastrophic Health Emergency –**
3 **Authority of Governor**
4 **(COVID–19 Public Health Emergency Protection Act of 2020)**

5 FOR the purpose of authorizing the Governor to take certain actions as a result of the
6 issuance of a certain proclamation; defining certain terms; making this Act an
7 emergency measure; providing for the termination of this Act; and generally relating
8 to the authority of the Governor in a state of emergency and a catastrophic health
9 emergency.

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
11 That:

12 (a) (1) In this section the following words have the meanings indicated.

13 (2) “Carrier” means:

14 (i) an insurer;

15 (ii) a nonprofit health service plan; or

16 (iii) a health maintenance organization.

17 (3) “Department” means the Maryland Department of Health.

18 (4) “Health care provider” has the meaning stated in § 14–3A–01 of the
19 Public Safety Article.

20 (5) “Program” means the Maryland Medical Assistance Program.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) As a result of the issuance by the Governor on March 5, 2020, of the
2 proclamation declaring a state of emergency and the existence of a catastrophic health
3 emergency or any other proclamation issued under Title 14 of the Public Safety Article, the
4 Governor may:

5 (1) prohibit cost-sharing by carriers for disease testing and any associated
6 costs that is conducted based on testing protocols recommended by the Secretary of Health;

7 (2) order the Department to cover the cost of disease testing and any
8 associated costs, if the costs would not otherwise be paid for by a carrier or another third
9 party;

10 (3) require carriers and the Program to cover the cost of an immunization
11 and any associated costs, without cost-sharing, if:

12 (i) the immunization has been determined by the Department to
13 prevent the disease that is the basis for the issuance of the proclamation; and

14 (ii) the patient belongs to a category of individuals to whom the
15 Department has determined cost-sharing should not apply;

16 (4) notwithstanding any other provision of law, establish or waive
17 telehealth protocols, including authorizing health care professionals licensed out-of-state
18 to provide telehealth to patients in the State;

19 (5) order the Department to reimburse synchronous and asynchronous
20 telehealth services provided to a patient, without regard to whether the patient is at a
21 clinical site, if the service is:

22 (i) covered by the Program;

23 (ii) provided by a health care provider participating in the Program;

24 and

25 (iii) authorized under the health care provider's scope of practice;

26 (6) consult, as appropriate, with the Department, the Maryland Insurance
27 Commissioner, and the Maryland Health Benefit Exchange to develop and implement
28 orders to:

29 (i) minimize disruption in enrollment in health insurance and the
30 Program;

31 (ii) facilitate reimbursement by carriers of telehealth services
32 provided to patients in the State; and

33 (iii) facilitate reimbursement of essential services to minimize the

1 risk to public health;

2 (7) (i) for the duration of the emergency, prohibit a retailer from
3 increasing the sale or rental price of any good or service to a price that increases the
4 retailer's value of profit by more than 10%, including for the price of:

- 5 1. food;
- 6 2. fuel;
- 7 3. water and ice;
- 8 4. medicine;
- 9 5. medical supplies and equipment;
- 10 6. cleaning products;
- 11 7. building supplies and equipment;
- 12 8. energy sources; and
- 13 9. storage space; and

14 (ii) publish a list of goods and services to which item (i) of this item
15 applies; and

16 (8) prohibit an employer from terminating an employee solely on the basis
17 that the employee has been required to be isolated or quarantined under Title 14 of the
18 Public Safety Article.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
20 measure, is necessary for the immediate preservation of the public health or safety, has
21 been passed by a ye and nay vote supported by three-fifths of all the members elected to
22 each of the two Houses of the General Assembly, and shall take effect from the date it is
23 enacted. It shall remain effective through April 30, 2021, and, at the end of April 30, 2021,
24 this Act, with no further action required by the General Assembly, shall be abrogated and
25 of no further force and effect.