

**Department of Legislative Services**  
Maryland General Assembly  
2021 Session

**FISCAL AND POLICY NOTE**  
**Third Reader**

House Bill 34 (Delegate Rosenberg)

Health and Government Operations and Education, Health, and Environmental Affairs  
Ways and Means

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**State Department of Education and Maryland Department of Health - Maryland  
School-Based Health Center Standards - Telehealth**

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This emergency bill requires the Maryland State Department of Education (MSDE) and the Maryland Department of Health (MDH) to authorize a health care practitioner at a school-based health center (SBHC) to provide services through telehealth consistent with specified provisions of the Health Occupations Article. The bill prohibits MSDE and MDH from (1) requiring an approved SBHC to submit an application or seek approval to provide telehealth services or (2) establishing requirements for SBHCs to provide telehealth that are inconsistent with specified current law. By July 1, 2021, MSDE and MDH must revise the Maryland SBHC standards to reflect the bill.

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**Fiscal Summary**

**State Effect:** MSDE and MDH can revise SBHC standards using existing budgeted resources. Revenues are not affected.

**Local Effect:** The bill's impact on local jurisdictions that sponsor a SBHC is primarily operational as the bill eliminates the required application and approval process for offering telehealth. Revenues are not affected.

**Small Business Effect:** Potential minimal.

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## Analysis

**Current Law:** SBHCs are health centers located in a school or on a school campus that provide on-site comprehensive preventive and primary health services. Services may also include behavioral health, oral health, ancillary, and supportive services.

Under [\*Maryland School-Based Health Center Standards\*](#), all SBHCs must meet minimum requirements. In order to provide telehealth services, SBHCs must submit an application and receive approval from MSDE, including meeting the requirements of MSDE's [telehealth checklist](#) prior to rendering telehealth services.

SBHCs must adhere to federal Medicaid regulations governing clinics. Generally, Medicaid may not reimburse SBHCs (or any freestanding clinics) if neither the practitioner nor patient is physically located within the clinic. However, due to COVID-19, the federal Centers for Medicare and Medicaid Services approved additional flexibilities for the duration of the federal government's declared public health emergency that permit SBHCs to receive reimbursement for services rendered if both the practitioner and the patient are in their homes.

Chapters 15 and 16 of 2020 authorize a health care practitioner to establish a practitioner-patient relationship through either a synchronous telehealth interaction or an asynchronous telehealth interaction, if the health care practitioner (1) verifies the identity of the patient receiving health care services through telehealth; (2) discloses to the patient the health care practitioner's name, contact information, and the type of health occupation license held by the health care practitioner; and (3) obtains oral or written consent from the patient (or the patient's parent or guardian if required).

A health care practitioner must perform a clinical evaluation (which can be through a synchronous or an asynchronous telehealth interaction) that is appropriate for the patient and the condition with which the patient presents before providing treatment or issuing a prescription through telehealth.

The Acts prohibited regulations adopted by a health occupations board from establishing a separate standard of care for telehealth and specified that such regulations must allow for the establishment of a practitioner-patient relationship through a synchronous or an asynchronous telehealth interaction provided by a health care practitioner who is complying with the health care practitioner's standard of care.

**Additional Comments:** According to the Maryland Assembly on School-Based Health Care, only some of the more than 80 SBHCs are currently approved to provide telehealth services, while those not approved have generally shut down during the COVID-19

pandemic. Under the bill, additional SBHCs could begin offering telehealth services without having to seek approval or complete the telehealth checklist.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** SB 278 (Senator Kagan) - Education, Health, and Environmental Affairs.

**Information Source(s):** Maryland Assembly on School-Based Health Care; Maryland Association of County Health Officers; Maryland State Department of Education; Maryland Department of Health; Baltimore City Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; Department of Legislative Services

**Fiscal Note History:** First Reader - January 19, 2021  
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