

HOUSE BILL 1127

E2

4lr2944
CF SB 950

By: **Delegate Bartlett**

Introduced and read first time: February 7, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Sexual Assault Forensic Examinations Conducted Through Telehealth –**
3 **Reimbursement and Study**

4 FOR the purpose of authorizing the reimbursement of a sexual assault forensic exam
5 conducted through telehealth under certain circumstances; requiring the Maryland
6 Sexual Assault Evidence Kit Policy and Funding Committee to conduct a study on
7 the feasibility of a telehealth program that includes a pilot program for conducting
8 sexual assault forensic examinations through telehealth; and generally relating to
9 sexual assault forensic examinations and telehealth.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Procedure
12 Section 11–1007
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2023 Supplement)

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

17 **Article – Criminal Procedure**

18 11–1007.

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

20 (2) “Child” means any individual under the age of 18 years.

21 (3) “Initial assessment” includes:

22 (i) a psychological evaluation;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) a parental interview; and

2 (iii) a medical evaluation.

3 (4) "Physician" means an individual who is authorized under the Maryland
4 Medical Practice Act to practice medicine in the State.

5 (5) "Qualified health care provider" means an individual who is licensed by
6 a health occupations board established under the Health Occupations Article.

7 (6) (i) "Sexual abuse" means any act that involves sexual molestation
8 or exploitation of a child whether or not the sexual molestation or exploitation of the child
9 is by a parent or other individual who has permanent or temporary care, custody, or
10 responsibility for supervision of a child, or by any household or family member.

11 (ii) "Sexual abuse" includes incest, rape, or sexual offense in any
12 degree.

13 (7) (I) **"TELEHEALTH" MEANS, AS IT RELATES TO THE DELIVERY
14 OF HEALTH CARE SERVICES, THE USE OF INTERACTIVE AUDIO, VIDEO, OR OTHER
15 TELECOMMUNICATIONS OR ELECTRONIC TECHNOLOGY BY A LICENSED HEALTH
16 CARE PROVIDER TO DELIVER A HEALTH CARE SERVICE WITHIN THE SCOPE OF
17 PRACTICE OF THE HEALTH CARE PROVIDER AT A LOCATION OTHER THAN THE
18 LOCATION OF THE PATIENT.**

19 (II) **"TELEHEALTH" DOES NOT INCLUDE:**

20 **1. AN AUDIO-ONLY TELEPHONE CONVERSATION
21 BETWEEN A HEALTH CARE PROVIDER AND A PATIENT;**

22 **2. AN E-MAIL MESSAGE BETWEEN A HEALTH CARE
23 PROVIDER AND A PATIENT; OR**

24 **3. A FACSIMILE TRANSMISSION BETWEEN A HEALTH
25 CARE PROVIDER AND A PATIENT.**

26 (b) If a physician, a qualified health care provider, or a hospital provides a service
27 described in subsection (c) of this section to a victim of an alleged rape or sexual offense or
28 a victim of alleged child sexual abuse:

29 (1) the services shall be provided without charge to the individual; and

30 (2) the physician, qualified health care provider, or hospital:

31 (i) is entitled to be paid by the Criminal Injuries Compensation
32 Board as provided under Subtitle 8 of this title for the costs of providing the services;

1 (ii) shall provide written or electronic verification signed by a
2 physician or qualified health care provider to the Criminal Injuries Compensation Board
3 that services described in subsection (c) of this section were rendered to a victim of an
4 alleged rape or sexual offense or a victim of alleged child sexual abuse; and

5 (iii) may not include in any request to obtain payment under this
6 subsection a narrative describing the alleged offense of a victim or a photograph of the
7 victim.

8 (c) This section applies to the following services:

9 (1) a physical and sexual assault forensic examination to gather
10 information and evidence as to an alleged crime when the examination is conducted within
11 15 days of the alleged crime or a longer period as provided by regulation;

12 (2) emergency hospital treatment and follow-up medical testing for up to
13 90 days after the initial physical examination; [and]

14 (3) for up to 5 hours of professional time to gather information and evidence
15 of the alleged sexual abuse, an initial assessment of a victim of alleged child sexual abuse
16 by:

17 (i) a physician;

18 (ii) qualified hospital health care personnel;

19 (iii) a qualified health care provider;

20 (iv) a mental health professional; or

21 (v) an interdisciplinary team expert in the field of child abuse; **AND**

22 **(4) A SEXUAL ASSAULT FORENSIC EXAM CONDUCTED THROUGH**
23 **TELEHEALTH.**

24 (d) (1) A physician or a qualified health care provider who examines a victim
25 of alleged child sexual abuse under the provisions of this section is immune from civil
26 liability that may result from the failure of the physician or qualified health care provider
27 to obtain consent from the child's parent, guardian, or custodian for the examination or
28 treatment of the child.

29 (2) The immunity extends to:

30 (i) any hospital with which the physician or qualified health care
31 provider is affiliated or to which the child is brought; and

1 (ii) any individual working under the control or supervision of the
2 hospital.

3 SECTION 2. AND BE IT FURTHER ENACTED, That:

4 (a) The Maryland Sexual Assault Evidence Kit Policy and Funding Committee
5 shall study and make recommendations on the feasibility of a telehealth program in the
6 State that includes a TeleSAFE Pilot Program, which uses telehealth to support the
7 provision of sexual assault forensic examinations.

8 (b) The study required under subsection (a) of this section shall include:

9 (1) the framework of a TeleSAFE Pilot Program;

10 (2) a plan for the development and implementation of the TeleSAFE Pilot
11 Program; and

12 (3) a process to expand the TeleSAFE Pilot Program over time.

13 (c) On or before December 1, 2024, the Maryland Sexual Assault Evidence Kit
14 Policy and Funding Committee shall report its findings and recommendations to the
15 General Assembly, in accordance with § 2–1257 of the State Government Article.

16 SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act shall
17 prohibit a hospital system in the State from seeking and applying for funding from grants
18 related to sexual assault forensic examinations conducted through telehealth.

19 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2024. Section 2 of this Act shall remain effective for a period of 1 year and, at the end of
21 June 30, 2025, Section 2 of this Act, with no further action required by the General
22 Assembly, shall be abrogated and of no further force and effect.