



February 13, 2020

The Honorable Paul Pinsky  
Chair, Senate Education, Health, and  
Environmental Affairs Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 West  
Annapolis, Maryland 21401

The Honorable Shane Pendergrass  
Chair, House Health and Government Operations  
Committee  
Maryland General Assembly  
House Office Building, Room 241  
Annapolis, Maryland 21401

**Re: SB 402 and HB 448 - Telehealth Legislation to Expand Access to Care in Maryland**

Dear Chairman Pinsky and Madam Chair Pendergrass:

On behalf of the American Telemedicine Association (ATA), I am writing to encourage you and your colleagues to vote favorably on SB 402, cross-filed with HB 448, to help advance the adoption of telehealth and digital health technologies, address health care provider shortages, and help expand access to quality care in Maryland.

As the only organization completely focused on advancing telehealth, the ATA is committed to ensuring that everyone has access to safe, affordable and appropriate care when and where they need it, enabling the system to do more good for more people. The ATA represents a broad and inclusive member network of technology solution providers and payers, as well as partner organizations and alliances, working to advance industry adoption of telehealth, promote responsible policy, advocate for government and market normalization, and provide education and resources to help integrate virtual care into emerging value-based delivery models.

SB 402/HB 448 provides a consistent framework for regulating telehealth and includes important safety requirements. The bill empowers providers with the ability to use both real-time and non-real time technologies, which advances patients' access to care and offers flexibility for future advances in technology.

As you may know, Maryland is one of only five states in the nation that requires physicians to use a real-time audio-visual connection for an initial telehealth visit.<sup>1</sup> This requirement unfortunately prevents patients and providers in Maryland from accessing and utilizing emerging digital health technologies that enhance quality and expand access to care.

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<sup>1</sup> Arkansas, Delaware, Idaho, Maryland, New Hampshire. Idaho has active legislation to eliminate this requirement.



Given advances in telehealth technology and delivery, we believe that the synchronous audio-visual only requirement adopted by the Maryland Board of Physicians in 2019 is an unnecessary and clinically unsubstantiated barrier to quality care that fails to consider how asynchronous telehealth can address some of the significant provider shortages and health care disparities in the state. Notably, 20 out of Maryland's 24 counties face primary care health provider shortages, according to data from the US Health Resources and Services Administration (HRSA).<sup>2</sup>

The framework in SB 402/HB 448 is a step forward in that it properly focuses on whether a practitioner has the necessary information to arrive at a diagnosis and treatment plan that meets the standard of care, rather than giving unnecessary weight to the specific modality enabling care.

We encourage the Committee to consider the unintended consequences of language which deliberately gives preference to specific modalities and technologies rather than ensuring all providers, whether virtual or in-person, meet the standard of care. While there are some important clinical differences that should be recognized and appropriately regulated, the provision of telehealth should not be regulated differently or held to a different standard than in-person care.

The ATA supports legislation, like SB 402/HB 448, that are technology and modality neutral and allows providers and patients to access care when and where they need it. Each year brings additional evidence that when used appropriately, telehealth and the use of safe and effective technologies to deliver remote care improves health care quality and outcomes at reduced costs. Importantly, efforts to expand access to virtual care would allow Maryland to better align with neighboring states, including Pennsylvania, West Virginia, Virginia, and the District of Columbia, that have made, or are in the process of, making similar reforms. For these reasons, we support SB 402 / HB 448 and recommend advancing this critical legislation.

Thank you for your consideration of these important issues impacting your state and constituents. If you have any questions or would like to further discuss ATA's perspective, please contact me at [kharper@americantelemed.org](mailto:kharper@americantelemed.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Harper", written over a light blue horizontal line.

Kevin Harper  
Director, Public Policy

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<sup>2</sup> <https://data.hrsa.gov/tools/shortage-area/hpsa-find>