



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

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**Board of Social Work Examiners**  
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**2020 SESSION  
POSITION PAPER**

**BILL NO: HB 448**  
**COMMITTEE: Health and Government Operations**  
**POSITION: Support with Amendments**

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**TITLE: Health Practitioners – Telehealth**

**BILL ANALYSIS:** This bill allows health care practitioners to establish a practitioner-patient relationship through a synchronous or asynchronous telehealth interaction (occurs in real-time/occurs not in real-time); allows practitioners to perform clinical evaluations using synchronous or asynchronous interactions; allows texting as service delivery modality; and prohibits boards from establishing separate standards of care for telehealth.

**POSITION AND RATIONALE:** The Maryland Board of Social Work Examiners (“Board”) supports the bill with the attached Board-approved amendment.

The Board supports the desire to have synchronous and asynchronous communication in health care in general. However, as a profession where the major focus is on behavioral health, the Board believes that synchronous (real-time) audio-visual interactions are necessary. Our Board approves teletherapy and this appears to be under the umbrella of telehealth. There are significant differences between teletherapy with synchronous communication and telehealth where asynchronous communication is used.

Establishing a trusting and productive practitioner-patient relationship while assessing the appropriateness of teletherapy requires that the exchange of information occurs in real-time. Real-time audiovisual interactions allows the therapist and patient to see and respond to each other’s cues, like facial expressions, body language, and tone of voice. Conducting a clinical interaction requires assessing an individual’s behavior, personality, and cognitive abilities with a face to face interview with the patient.

Asynchronous teletherapy interactions can be useful, depending on the circumstance. For example, when following up with a patient or gathering additional information. Texting can be useful when used in the same way that emails are used, but texting as a service delivery modality is not a viable alternative when working with people experiencing mental, emotional and substance use problems. A text message from the patient may not reach the provider at the time when the patient most needs help (e.g. a person confronting domestic violence; a suicidal patient; a substance abuser).

For these reasons the Maryland Board of Social Work Examiners requests to have HB 448 apply only to licensed practitioners under Title 14 of this Article. Our proposed amendment is listed at the end of this position paper. The Board respectfully requests a favorable report on HB 448 with the requested amendment.

For more information, please contact the Board's Executive Director, Dr. Stanley Weinstein at 410-764-4722 or [stanley.weinstein@maryland.gov](mailto:stanley.weinstein@maryland.gov).

*The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.*

## **Amendment**

On page 2, lines 10-11, add new language:

**(C) "HEALTH CARE PRACTITIONER" MEANS AN INDIVIDUAL WHO IS LICENSED UNDER TITLE 14 OF THIS ARTICLE.**