



*Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Acting Secretary*

January 20, 2021

The Honorable Paul G. Pinsky, Chairman  
Senate Education, Health, and Environmental Affairs Committee  
2 West, Miller Senate Office Building  
Annapolis, Maryland 21401

RE: SB 278 – State Department of Education and Maryland Department of Health – Maryland School-Based Health Center Standards – Telehealth – Letter of Information

Dear Chairman Pinsky and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of information on Senate Bill 278 (SB 278) – State Department of Education and Maryland Department of Health – Maryland School-Based Health Center Standards – Telehealth for the Committee’s consideration.

SB 278 would require MDH and MSDE to authorize school-based health centers (SBHCs) to provide telehealth services consistent with the Health-General Article requirements without any other authorization requirements.

MSDE’s current process requires SBHCs to complete a telehealth checklist prior to rendering telehealth services. This checklist ensures that telehealth services are provided to students safely and appropriately. SB 278 would eliminate the checklist process. While this may increase the number of SBHCs immediately able to perform telehealth services, MSDE and MDH will no longer have oversight of services delivered via telehealth. As a result, the quality of care delivered to Maryland’s children may be compromised.

SBHCs and clinics must adhere to federal Medicaid regulations governing clinics (42 CFR § 440.90 - Clinic Services). Under normal circumstances, Medicaid may not reimburse SBHCs or other clinics if neither the practitioner nor patient is physically located within the clinic. This requirement applies to all freestanding clinics participating in the Maryland Medicaid program, regardless of whether they are community-based clinics or SBHCs. Due to the COVID-19 public health emergency (PHE), MDH received federal permission to waive the “four walls” rule. Under this authority, SBHCs may receive reimbursement for services rendered where both the practitioner and the patient are in their homes (with no one located at the SBHC) for the duration of the federal government’s declared PHE. The waiver will terminate when the PHE ends. On September 1, 2020, MDH issued further guidance regarding this temporary expansion, which included billing guidance to providers.

The waiver maintains the SBHC’s ability to bill telehealth services as a SBHC encounter. As such, the telehealth encounters remain within the program oversight and monitoring responsibilities of MSDE and MDH. The provisions of this bill would make MDH and MSDE unaware of the provision of these services and thus unable to perform these duties designed to ensure quality telehealth services. This would impede

MSDE and MDH's current program duties such as data collection related to these services and provision of appropriate technical assistance to SBHCs. In effect, MSDE and MDH would have no authority over program standards while still being subject to liability for unanticipated negative program impacts.

I hope this information is useful. If you have questions or need more information about this subject, please do not hesitate to contact me at (410) 260-3190 or [webster.ye@maryland.gov](mailto:webster.ye@maryland.gov) or Deputy Director of Governmental Affairs, Heather Shek, at the same number or [heather.shek@maryland.gov](mailto:heather.shek@maryland.gov).

Sincerely,

A handwritten signature in blue ink that reads "Webster Ye". The signature is fluid and cursive, with the first name "Webster" being more prominent than the last name "Ye".

Webster Ye  
Assistant Secretary, Health Policy

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[https://mmcp.health.maryland.gov/Medicaid%20COVID19/COVID-19%20Telehealth%20Guidance%20for%20School-Based%20Health%20Centers%20-%2008-31-2020\\_signed%20tr-1%20\(1\).pdf](https://mmcp.health.maryland.gov/Medicaid%20COVID19/COVID-19%20Telehealth%20Guidance%20for%20School-Based%20Health%20Centers%20-%2008-31-2020_signed%20tr-1%20(1).pdf)