



**Committee:** Senate Education, Health, and Environmental Affairs Committee

**Bill Number:** Senate Bill 568

**Title:** Health Care Practitioners – Telehealth – Out-of-State Health Care Practitioners

**Hearing Date:** February 16, 2021

**Position:** Oppose

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The Licensed Clinical Professional Counselors of Maryland (LCPCM) opposes *Senate Bill 568 – Health Care Practitioners – Telehealth – Out-of-State Health Care Practitioners*. This bill would authorize an out-of-state health care practitioner to provide telehealth services to a patient located in the state.

For the past year, LCPCM has been engaged in a national effort to establish an *Interstate Licensure Professional Counselors Compact*, which was just finalized this past December by the Council of State Governments through a lengthy stakeholder process. It was so highly anticipated, that Governor Hogan proactively introduced legislation this session (HB 736) to join Maryland into the compact. We are not aware of any other interstate compact legislation introduced in Maryland being proactively put forth by a Governor.

While we support the compact legislation, we have serious concerns with conflicting provisions between these two bills, as the compact legislation includes the following section, specific to telehealth practice across state lines:

**SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH.**

**A. MEMBER STATES SHALL RECOGNIZE THE RIGHT OF A LICENSED PROFESSIONAL COUNSELOR, LICENSED BY A HOME STATE IN ACCORDANCE WITH SECTION AND UNDER RULES PROMULGATED BY THE COMMISSION, TO PRACTICE PROFESSIONAL COUNSELING IN ANY MEMBER STATE THROUGH TELEHEALTH UNDER A PRIVILEGE TO PRACTICE AS PROVIDED IN THE COMPACT AND RULES PROMULGATED BY THE COMMISSION.**

**B. A LICENSEE PROVIDING PROFESSIONAL COUNSELING SERVICES IN A REMOTE STATE UNDER THE PRIVILEGE TO PRACTICE SHALL ADHERE TO THE LAWS AND REGULATIONS OF THE REMOTE STATE.**

If Senate Bill 568 were to pass, we are not sure if professional counselors in other states wishing to provide telehealth services in Maryland would be able to bypass the compact by simply registering with the Maryland Board of Professional Counselors and Therapists. If this were to occur, the Board would not have the same access to interstate disciplinary data that is managed in real-time under the compact; nor do we know what authority Maryland's licensing board would have to investigate complaints and work with other state boards when complaints are made.

Thank you for your consideration of our testimony, and we would urge an unfavorable report. If we can provide any further information, please contact Rachael faulkner at [rfaulkner@policypartners.net](mailto:rfaulkner@policypartners.net) or 410-693-4000.