BRIAN E. FROSH Attorney General

ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI Deputy Attorney General

Writer's Direct Fax No. (410) 576-6571

Writer's Direct Email: poconnor@oag.state.md.us



WILLIAM D. GRUHN Chief Consumer Protection Division

STATE OF MARYLAND OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION

Writer's Direct Dial No. (410) 576-6515

February 8, 2022

To: The Honorable Shane E. Pendergrass

Chair, Health and Government Operations Committee

From: The Office of the Attorney General's Health Education and Advocacy Unit

Re: House Bill 670 (Maryland Health Care Commission - Study on Expansion of Interstate Telehealth): Support

The Office of the Attorney General's Health Education and Advocacy Unit (HEAU) supports House Bill 670 which would require the Maryland Health Care Commission (MHCC), in consultation with specified agencies and stakeholders, to study ways that interstate telehealth can be expanded to allow State residents to use telehealth to receive health services from out-of-state practitioners and to submit a report to the legislature by December 1, 2023. The HEAU believes that the pandemic-related expansion of intrastate telehealth by Maryland licensees has provided valuable access, but also believes that Maryland should await completion of the MHCC intrastate telehealth study mandated by Chapter 70 of 2021, coupled with the study this bill would require, before authorizing telehealth delivery of services in Maryland by out-of-state providers.

The HEAU filed a letter of concern about House Bill 421 (Out–of–State Health Care Practitioners – Provision of Behavioral Health Services via Telehealth – Authorization), and said in part:

"Currently, a provider delivering health care services through telehealth must be licensed, certified, or otherwise authorized by law to provide health care services in the State if the health care services are being provided to a patient located in the State. A web of patient safety, financial, privacy, consumer protection, and other regulatory safeguards protect Maryland

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patients as a result. This bill would allow a provider who is not licensed in the State of Maryland to provide behavioral health services via telehealth to a patient located in the State.

We are concerned that behavioral health services are not defined; that states have variable laws regarding the licensing and regulation of a variety of licensees who are allowed to deliver behavioral health services and the bill does not address the issue of conflicts of laws between the laws of Maryland and other states; we have the same concern regarding billing and collection of fees for services, and the enforceability of our consumer protections for health insurance enrollees in disputes with out-of-state providers or with their carriers relating to claims; lack of clear language including consent to the jurisdiction of administrative tribunals; and limitations on the scope of authority of Health Occupations boards in Maryland.

While we are unsure how many Maryland law protections patients would lose if House Bill 421 becomes law, our concern is heightened because this is not a compact bill which would typically preserve or build in necessary safeguards, increasing the need for a comprehensive study."

We would understand if the legislature decides that the pending study should be expanded to include consideration of the subjects raised by this bill, and should be completed by the pending study's deadline of December 1, 2022. We simply ask, on behalf of healthcare consumers in Maryland, that careful consideration be given to all relevant issues to ensure that telehealth access to care doesn't compromise quality of care, or the State's ability to address violations of laws established to protect Marylanders.

cc: Sponsor