



February 10, 2022

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

RE: HB 670 - Maryland Health Care Commission – Study on Expansion of Interstate Telehealth

Dear Chair Pendergrass and committee members:

The Maryland Health Care Commission (the MHCC) is submitting this letter of information on HB 670 *Maryland Health Care Commission – Study on Expansion of Interstate Telehealth* (HB 670).

HB 670 requires MHCC in consultation with the State Board of Physicians, Maryland Health Services Cost Review Commission, Maryland Department of Health, Maryland Insurance Administration, and other relevant 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 providers.

Telehealth has long been used to provide health care; however, prior to the COVID-19 pandemic adoption had historically been slow. The pandemic created an urgent need for remote access to health care to reduce the risk of community spread and protect patients and providers.¹ In response to the pandemic, the Maryland General Assembly passed Senate Bill 1080, *State Government – State of Emergency and Catastrophic Health Emergency – Authority of Governor and Unemployment Insurance Benefits (COVID–19 Public Health Emergency Protection Act of 2020)* (“SB 1080”). SB 1080 included waivers that allowed health care professionals licensed out-of-state to provide telehealth to patients in the State. As the magnitude of the pandemic began to abate, waivers were allowed to expire; SB1080 remained in effect through April 30, 2021. HB 670 will address critical policy issues for the expansion of interstate telehealth that were highlighted by SB 1080.

Patients and providers have become accustomed to using telehealth and its use has become a standard in many practices. A growing emphasis on patient satisfaction, providing

¹ States’ Actions to Expand Telemedicine Access During COVID-19 and Future Policy Considerations, June 23, 2021. Available at: www.commonwealthfund.org/publications/issue-briefs/2021/jun/states-actions-expand-telemedicine-access-covid-19.

efficient and quality care, reducing costs, and improving access to care are key interstate telehealth drivers.² The Interstate Medical Licensures Compact (compact) is a pathway to licensing physicians that seek to practice in multiple states. In July 2019, Maryland became one of nearly 29 states to participate in the compact.³ Despite the advantages of the compact, liability risks related to privacy, security, patient confidentiality, and misdiagnosis must be resolved to expand the geographic reach of telehealth.

During the last session, the Maryland General Assembly passed *HB 123/SB 3 - Preserve Telehealth Access Act of 2021* which requires MHCC to conduct a study on the impact of telehealth services as it relates to use of audio-only and audio-visual technologies for somatic and behavioral health interventions. Findings will inform the development of recommendations on audio-only and audio-visual coverage and payment levels relative to in-person care. A report is due to the Senate Finance Committee and the House Health and Government Operations Committee by December 1, 2022. We reviewed the study requirements under HB 670 to determine if the work could be folded into our current study and concluded that it was not possible.

I hope this information is useful. If you would like to discuss this further or have questions, please contact Tracey DeShields, Director, Policy Development and External Affairs, Maryland Health Care Commission at tracey.deshields2@maryland.gov.

Sincerely,



Andrew Pollack
Chair, MHCC



Ben Steffen
Executive Director, MHCC

cc:

The Honorable Jheanelle K. Wilkins

The Honorable Nick Charles

Tracey DeShields, Director, Policy Development and External Affairs, MHCC

² US National Library of Medicine National Institutes of Health. Available at:

www.ncbi.nlm.nih.gov/pmc/articles/PMC7577680/.

³ Maryland Board of Physicians, compact information available at:

www.mbp.state.md.us/forms/Compact_FAQs.pdf.

