

MARYLAND REGISTER

**Proposed Action on Regulations**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	12/03/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 1/8/2016**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**  
10 09 49 02, .05 and .07

**3. Name of Promulgating Authority**

Department of Health and Mental Hygiene

**4. Name of Regulations Coordinator Telephone Number**  
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**Title 10**  
**DEPARTMENT OF HEALTH AND MENTAL HYGIENE**  
**Subtitle 09 MEDICAL CARE PROGRAMS**

**10.09.49 Telehealth Services**

Authority: Health-General Article, §§2-104(b) and 15-105.2(b), Annotated Code of Maryland; Ch. 280, Acts of 2013

**Notice of Proposed Action**

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The Secretary of Health and Mental Hygiene proposes to amend Regulations .02, .05, and .07 under COMAR 10.09.49 Telehealth Services.

**Statement of Purpose**

The purpose of this action is to clarify that certain substance use disorder treatment providers are included as originating sites.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to [dhmh.regs@maryland.gov](mailto:dhmh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through February 8, 2016. A public hearing has not been scheduled.

**Economic Impact Statement Part C**

- A. Fiscal Year in which regulations will become effective: FY 2016
- B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?
- C. If 'yes', state whether general, special (exact name), or federal funds will be used:
- D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:
- E. If these regulations have no economic impact under Part A, indicate reason briefly: No service delivery changes occur as a result of this proposal; the proposal intends to clarify that these substance use disorder treatment providers are included as originating sites.
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.
- See E.
- G. Small Business Worksheet:

Attached Document:

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## Title 10

# DEPARTMENT OF HEALTH AND MENTAL HYGIENE

### Subtitle 09 MEDICAL CARE PROGRAMS

#### 10.09.49 Telehealth Services

Authority: Health-General Article, §§2-104(b) and 15-105.2(b), Annotated Code of Maryland; Ch. 280, Acts of 2013

10.09.49.02 (10/21/2015)

##### .02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
- (1)—(2) (text unchanged)
- (3) "*Community-based substance use disorder provider*" means a provider licensed by the Department as a community-based substance use disorder provider in accordance with COMAR 10.09.80.
- [(3)] (4)—[(7)] (8) (text unchanged)
- (9) "*Opioid treatment program*" means a program licensed by the Department in accordance with COMAR 10.09.80.
- [(8)] (10)—[20] (22) (text unchanged)

10.09.49.05

##### .05 Covered Services.

- Under the Telehealth Program, the Department shall cover:
- A. (text unchanged)
- B. Medically necessary [consultation] services covered by the Maryland Medical Assistance Program rendered by an approved distant site provider that can be delivered using technology-assisted communication.

C. (text unchanged)

D. The professional fee for an approved distant site provider for initial telehealth [consultation for] services furnished before, during, and after communicating with the Medical Assistance participant presenting in a hospital emergency department setting if:

(1) (text unchanged)

(2) The initial telehealth [consultation] *service* is distinct from the care provided by the physician of record or the attending physician;

E. (text unchanged)

10.09.49.07

**.07 Provider Conditions for Participation.**

A. (text unchanged)

B. Approved Originating Site. The following sites may be approved as an originating site for Telehealth Program service delivery:

(1) (text unchanged)

(2) *A community-based substance use disorder provider;*

[(2)] (3)—[(7)] (8) (text unchanged)

(9) *An opioid treatment program;*

[(8)] (10)—[(10)] (12) (text unchanged)

C. (text unchanged)

**VAN T. MITCHELL**

**Secretary of Health and Mental Hygiene**