

**ENROLLED BILL**  
-- Finance/Health and Government Operations --

Introduced by **Senator Teitelbaum**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Insurance – Medical Advice Transmitted by Electronic Mail–**  
3 **Reimbursement**  
4 **Telemedicine - Use and Reimbursement - Study**

5 FOR the purpose of ~~providing that certain provisions of law apply to health~~  
6 ~~maintenance organizations; authorizing a carrier to reimburse a licensed~~  
7 ~~physician for medical advice transmitted by electronic mail under certain~~  
8 ~~circumstances; requiring a carrier to reimburse a licensed physician for certain~~  
9 ~~services at a certain rate; requiring a carrier to give notice to individuals insured~~  
10 ~~by the carrier of a certain policy; requiring a licensed physician to give certain~~  
11 ~~notice to a patient before the physician provides certain services to a patient;~~  
12 ~~defining certain terms; and generally relating to reimbursement for medical~~  
13 ~~advice transmitted by electronic mail~~ requiring the University of Maryland  
14 School of Medicine, in consultation with the School of Nursing and other  
15 stakeholders, to conduct a certain study regarding telemedicine; requiring the  
16 University of Maryland School of Medicine to submit a certain report to certain  
17 committees of the General Assembly on or before a certain date; and generally

1 relating to a study regarding telemedicine.

2 ~~BY adding to~~

3 ~~Article—Health—General~~

4 ~~Section 19-706(ggg)~~

5 ~~Annotated Code of Maryland~~

6 ~~(2005 Replacement Volume and 2005 Supplement)~~

7 ~~BY adding to~~

8 ~~Article—Insurance~~

9 ~~Section 15-132~~

10 ~~Annotated Code of Maryland~~

11 ~~(2002 Replacement Volume and 2005 Supplement)~~

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That ~~the Laws of Maryland read as follows:~~

14 ~~Article—Health—General~~

15 ~~19-706.~~

16 ~~(GGG) THE PROVISIONS OF § 15-132 OF THE INSURANCE ARTICLE APPLY TO~~  
17 ~~HEALTH MAINTENANCE ORGANIZATIONS.~~

18 ~~Article—Insurance~~

19 ~~15-132.~~

20 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~  
21 ~~INDICATED.~~

22 ~~(2) "CARRIER" MEANS:~~

23 ~~(I) AN INSURER;~~

24 ~~(II) A NONPROFIT HEALTH SERVICE PLAN;~~

25 ~~(III) A HEALTH MAINTENANCE ORGANIZATION;~~

26 ~~(IV) A DENTAL PLAN ORGANIZATION; OR~~

27 ~~(V) ANY OTHER PERSON THAT PROVIDES HEALTH BENEFIT PLANS~~  
28 ~~SUBJECT TO REGULATION BY THE STATE.~~

29 ~~(3) "ELECTRONIC MAIL" MEANS THE TRANSMISSION OF INFORMATION~~  
30 ~~OR A COMMUNICATION BY THE USE OF A COMPUTER OR OTHER ELECTRONIC MEANS~~  
31 ~~THAT IS SENT TO A PERSON IDENTIFIED BY A UNIQUE ADDRESS AND THAT IS~~  
32 ~~RECEIVED BY THE PERSON.~~

1           (4)     "LICENSED PHYSICIAN" HAS THE MEANING STATED IN § 14-101(G) OF  
2 THE HEALTH OCCUPATIONS ARTICLE.

3     (B)     A CARRIER MAY REIMBURSE A LICENSED PHYSICIAN FOR MEDICAL  
4 ADVICE TRANSMITTED TO A PATIENT BY ELECTRONIC MAIL IF THE LICENSED  
5 PHYSICIAN HAS TREATED THE PATIENT NO MORE THAN 10 DAYS PRIOR TO THE  
6 TRANSMISSION OF THE MEDICAL ADVICE BY ELECTRONIC MAIL.

7     (C)     IF A CARRIER ELECTS TO REIMBURSE A LICENSED PHYSICIAN IN  
8 ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, THE CARRIER SHALL  
9 REIMBURSE THE LICENSED PHYSICIAN AT A RATE NOT LESS THAN 50% OF THE RATE  
10 NEGOTIATED IN THE CARRIER'S PROVIDER CONTRACT WITH THE PHYSICIAN FOR  
11 THE SAME MEDICAL ADVICE GIVEN IN AN IN PERSON CONSULTATION.

12     (D)     (1)     A CARRIER THAT ELECTS TO REIMBURSE A LICENSED PHYSICIAN IN  
13 ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION SHALL NOTIFY INDIVIDUALS  
14 INSURED BY THE CARRIER OF THE POLICY OF THE CARRIER TO REIMBURSE A  
15 LICENSED PHYSICIAN FOR MEDICAL ADVICE TRANSMITTED BY ELECTRONIC MAIL.

16           (2)     A LICENSED PHYSICIAN SHALL NOTIFY A PATIENT OF ANY COSTS  
17 THAT THE PATIENT MAY BE RESPONSIBLE FOR BEFORE THE PHYSICIAN PROVIDES  
18 MEDICAL ADVICE TO A PATIENT BY ELECTRONIC MAIL.

19     The University of Maryland School of Medicine:

20           (1)     shall study, in consultation with the School of Nursing and other  
21 stakeholders, issues regarding the use of and reimbursement for telemedicine,  
22 including the following:

23                   (i)     the current use of telemedicine in the State;

24                   (ii)    the use of and reimbursement for telemedicine in other states;

25                   (iii)   the potential for telemedicine to improve access to health care in  
26 underserved areas of the State;

27                   ~~(iii)~~   (iv)   how any reimbursement for telemedicine in other states  
28 has increased access to health care in those states; and

29                   ~~(iv)~~   (v)     any current barriers in the State to reimbursement for  
30 telemedicine; and

31           (2)     shall, on or before January 1, 2007, report its findings, in accordance  
32 with § 2-1246 of the State Government Article, to the Senate Finance Committee and  
33 the House Health and Government Operations Committee.

34     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 ~~October~~ July 1, 2006.

