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By: **Senator Teitelbaum**

Introduced and read first time: February 3, 2006

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance - Medical Advice Transmitted by Electronic Mail -**  
3 **Reimbursement**

4 FOR the purpose of providing that certain provisions of law apply to health  
5 maintenance organizations; authorizing a carrier to reimburse a licensed  
6 physician for medical advice transmitted by electronic mail under certain  
7 circumstances; requiring a carrier to reimburse a licensed physician for certain  
8 services at a certain rate; requiring a carrier to give notice to individuals insured  
9 by the carrier of a certain policy; requiring a licensed physician to give certain  
10 notice to a patient before the physician provides certain services to a patient;  
11 defining certain terms; and generally relating to reimbursement for medical  
12 advice transmitted by electronic mail.

13 BY adding to  
14 Article - Health - General  
15 Section 19-706(ggg)  
16 Annotated Code of Maryland  
17 (2005 Replacement Volume and 2005 Supplement)

18 BY adding to  
19 Article - Insurance  
20 Section 15-132  
21 Annotated Code of Maryland  
22 (2002 Replacement Volume and 2005 Supplement)

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

25 **Article - Health - General**

26 19-706.

27 (GGG) THE PROVISIONS OF § 15-132 OF THE INSURANCE ARTICLE APPLY TO  
28 HEALTH MAINTENANCE ORGANIZATIONS.

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**Article - Insurance**

2 15-132.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.

5 (2) "CARRIER" MEANS:

6 (I) AN INSURER;

7 (II) A NONPROFIT HEALTH SERVICE PLAN;

8 (III) A HEALTH MAINTENANCE ORGANIZATION;

9 (IV) A DENTAL PLAN ORGANIZATION; OR

10 (V) ANY OTHER PERSON THAT PROVIDES HEALTH BENEFIT PLANS  
11 SUBJECT TO REGULATION BY THE STATE.

12 (3) "ELECTRONIC MAIL" MEANS THE TRANSMISSION OF INFORMATION  
13 OR A COMMUNICATION BY THE USE OF A COMPUTER OR OTHER ELECTRONIC MEANS  
14 THAT IS SENT TO A PERSON IDENTIFIED BY A UNIQUE ADDRESS AND THAT IS  
15 RECEIVED BY THE PERSON.

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

18 (B) A CARRIER MAY REIMBURSE A LICENSED PHYSICIAN FOR MEDICAL  
19 ADVICE TRANSMITTED TO A PATIENT BY ELECTRONIC MAIL IF THE LICENSED  
20 PHYSICIAN HAS TREATED THE PATIENT NO MORE THAN 10 DAYS PRIOR TO THE  
21 TRANSMISSION OF THE MEDICAL ADVICE BY ELECTRONIC MAIL.

22 (C) IF A CARRIER ELECTS TO REIMBURSE A LICENSED PHYSICIAN IN  
23 ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, THE CARRIER SHALL  
24 REIMBURSE THE LICENSED PHYSICIAN AT A RATE NOT LESS THAN 50% OF THE RATE  
25 NEGOTIATED IN THE CARRIER'S PROVIDER CONTRACT WITH THE PHYSICIAN FOR  
26 THE SAME MEDICAL ADVICE GIVEN IN AN IN-PERSON CONSULTATION.

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

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

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