
By: **Senator Teitelbaum**

Introduced and read first time: February 3, 2006

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2006

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 to conduct a certain study regarding telemedicine; requiring
 15 the University of Maryland School of Medicine to submit a certain report to
 16 certain committees of the General Assembly on or before a certain date; and
 17 generally relating to a study regarding telemedicine.

18 ~~BY adding to~~
 19 ~~Article Health General~~
 20 ~~Section 19-706(ggg)~~
 21 ~~Annotated Code of Maryland~~
 22 ~~(2005 Replacement Volume and 2005 Supplement)~~

23 ~~BY adding to~~
 24 ~~Article Insurance~~
 25 ~~Section 15-132~~

1 Annotated Code of Maryland
2 (~~2002 Replacement Volume and 2005 Supplement~~)

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

5 ~~Article—Health—General~~

6 ~~49-706.~~

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

9 ~~Article—Insurance~~

10 ~~15-132.~~

11 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

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

14 (I) AN INSURER;

15 (II) A NONPROFIT HEALTH SERVICE PLAN;

16 (III) A HEALTH MAINTENANCE ORGANIZATION;

17 (IV) A DENTAL PLAN ORGANIZATION; OR

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

20 (3) "~~ELECTRONIC MAIL~~" MEANS THE TRANSMISSION OF INFORMATION
21 OR A COMMUNICATION BY THE USE OF A COMPUTER OR OTHER ELECTRONIC MEANS
22 THAT IS SENT TO A PERSON IDENTIFIED BY A UNIQUE ADDRESS AND THAT IS
23 RECEIVED BY THE PERSON.

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

26 (B) A CARRIER MAY REIMBURSE A LICENSED PHYSICIAN FOR MEDICAL
27 ADVICE TRANSMITTED TO A PATIENT BY ELECTRONIC MAIL IF THE LICENSED
28 PHYSICIAN HAS TREATED THE PATIENT NO MORE THAN 10 DAYS PRIOR TO THE
29 TRANSMISSION OF THE MEDICAL ADVICE BY ELECTRONIC MAIL.

30 (C) IF A CARRIER ELECTS TO REIMBURSE A LICENSED PHYSICIAN IN
31 ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, THE CARRIER SHALL
32 REIMBURSE THE LICENSED PHYSICIAN AT A RATE NOT LESS THAN 50% OF THE RATE

~~1 NEGOTIATED IN THE CARRIER'S PROVIDER CONTRACT WITH THE PHYSICIAN FOR
2 THE SAME MEDICAL ADVICE GIVEN IN AN IN-PERSON CONSULTATION.~~

~~3 (D) (1) A CARRIER THAT ELECTS TO REIMBURSE A LICENSED PHYSICIAN IN
4 ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION SHALL NOTIFY INDIVIDUALS
5 INSURED BY THE CARRIER OF THE POLICY OF THE CARRIER TO REIMBURSE A
6 LICENSED PHYSICIAN FOR MEDICAL ADVICE TRANSMITTED BY ELECTRONIC MAIL.~~

~~7 (2) A LICENSED PHYSICIAN SHALL NOTIFY A PATIENT OF ANY COSTS
8 THAT THE PATIENT MAY BE RESPONSIBLE FOR BEFORE THE PHYSICIAN PROVIDES
9 MEDICAL ADVICE TO A PATIENT BY ELECTRONIC MAIL.~~

10 The University of Maryland School of Medicine:

11 (1) shall study issues regarding the use of and reimbursement for
12 telemedicine, including the following:

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

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

15 (iii) how any reimbursement for telemedicine in other states has
16 increased access to health care in those states; and

17 (iv) any current barriers in the State to reimbursement for
18 telemedicine; and

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

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