

# HOUSE BILL 802

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CF SB 198

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By: Delegates Lee, Smigiel, Nathan-Pulliam, Carr, Cullison, Elliott, Gutierrez, Guzzone, Healey, Howard, A. Kelly, Krebs, McComas, McDonough, A. Miller, Murphy, B. Robinson, Simmons, Stocksdales, and A. Washington

Introduced and read first time: February 3, 2014  
Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 5, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Telemedicine**

3 FOR the purpose of ~~requiring the Maryland Medical Assistance Program to provide~~  
4 ~~certain reimbursement for certain services delivered by telemedicine~~ requiring,  
5 to the extent authorized by federal law or regulation, certain provisions of law  
6 relating to coverage of and reimbursement for health care services delivered  
7 through telemedicine to apply to the Maryland Medical Assistance Program and  
8 managed care organizations in a certain manner; authorizing the Department of  
9 Health and Mental Hygiene to allow coverage of and reimbursement for health  
10 care services delivered in a certain manner under certain circumstances;  
11 authorizing the Department to specify by regulation the types of health care  
12 providers eligible to receive certain reimbursement; repealing the limitations on  
13 the health care services delivered by telemedicine that are eligible for  
14 reimbursement; defining certain terms; and generally relating to the Maryland  
15 Medical Assistance Program and telemedicine.

16 BY repealing and reenacting, with amendments,  
17 Article – Health – General  
18 Section 15–105.2  
19 Annotated Code of Maryland  
20 (2009 Replacement Volume and 2013 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~BY repealing and reenacting, without amendments,~~  
 2 ~~Article — Insurance~~  
 3 ~~Section 15-139(a)~~  
 4 ~~Annotated Code of Maryland~~  
 5 ~~(2011 Replacement Volume and 2013 Supplement)~~

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

8 **Article – Health – General**

9 15-105.2.

10 (a) The Program shall reimburse health care providers in accordance with  
 11 the requirements of Title 19, Subtitle 1, Part IV of this article.

12 (b) ~~[(1) Subject to paragraph (2) of this subsection and unless] UNLESS~~  
 13 ~~otherwise specifically prohibited or limited by federal or State law, the Program shall~~  
 14 ~~reimburse a health care provider for a health care service delivered by telemedicine, as~~  
 15 ~~defined in § 15-139 of the Insurance Article, in the same manner as the same health~~  
 16 ~~care service is reimbursed when delivered in person.~~

17 ~~[(2) Reimbursement under paragraph (1) of this subsection is required~~  
 18 ~~only for a health care service that:~~

19 (i) ~~Is medically necessary; and~~

20 (ii) ~~Is provided:~~

21 ~~1. For the treatment of cardiovascular disease or stroke;~~

22 ~~2. In an emergency department setting; and~~

23 ~~3. When an appropriate specialist is not available~~

24 **(1) (i) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**  
 25 **THE MEANINGS INDICATED.**

26 **(ii) “HEALTH CARE PROVIDER” MEANS A PERSON WHO IS**  
 27 **LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED UNDER THE HEALTH**  
 28 **OCCUPATIONS ARTICLE TO PROVIDE HEALTH CARE IN THE ORDINARY COURSE**  
 29 **OF BUSINESS OR PRACTICE OF A PROFESSION OR IN AN APPROVED EDUCATION**  
 30 **OR TRAINING PROGRAM.**

1                    (III) 1. "TELEMEDICINE" MEANS, AS IT RELATES TO THE  
2 DELIVERY OF HEALTH CARE SERVICES, THE USE OF INTERACTIVE AUDIO,  
3 VIDEO, OR OTHER TELECOMMUNICATIONS OR ELECTRONIC TECHNOLOGY:

4                    A. BY A HEALTH CARE PROVIDER TO DELIVER A  
5 HEALTH CARE SERVICE THAT IS WITHIN THE SCOPE OF PRACTICE OF THE  
6 HEALTH CARE PROVIDER AT A SITE OTHER THAN THE SITE AT WHICH THE  
7 PATIENT IS LOCATED; AND

8                    B. THAT ENABLES THE PATIENT TO SEE AND  
9 INTERACT WITH THE HEALTH CARE PROVIDER AT THE TIME THE HEALTH CARE  
10 SERVICE IS PROVIDED TO THE PATIENT.

11                    2. "TELEMEDICINE" DOES NOT INCLUDE:

12                    A. AN AUDIO-ONLY TELEPHONE CONVERSATION  
13 BETWEEN A HEALTH CARE PROVIDER AND A PATIENT;

14                    B. AN ELECTRONIC MAIL MESSAGE BETWEEN A  
15 HEALTH CARE PROVIDER AND A PATIENT; OR

16                    C. A FACSIMILE TRANSMISSION BETWEEN A HEALTH  
17 CARE PROVIDER AND A PATIENT.

18                    (2) TO THE EXTENT AUTHORIZED BY FEDERAL LAW OR  
19 REGULATION, THE PROVISIONS OF § 15-139(C) THROUGH (F) OF THE  
20 INSURANCE ARTICLE RELATING TO COVERAGE OF AND REIMBURSEMENT FOR  
21 HEALTH CARE SERVICES DELIVERED THROUGH TELEMEDICINE SHALL APPLY  
22 TO THE PROGRAM AND MANAGED CARE ORGANIZATIONS IN THE SAME MANNER  
23 THEY APPLY TO CARRIERS.

24                    (3) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET AND  
25 TO THE EXTENT AUTHORIZED BY FEDERAL LAW OR REGULATION, THE  
26 DEPARTMENT MAY AUTHORIZE COVERAGE OF AND REIMBURSEMENT FOR  
27 HEALTH CARE SERVICES THAT ARE DELIVERED THROUGH STORE AND FORWARD  
28 TECHNOLOGY OR REMOTE PATIENT MONITORING.

29                    (4) THE DEPARTMENT MAY SPECIFY BY REGULATION THE TYPES  
30 OF HEALTH CARE PROVIDERS ELIGIBLE TO RECEIVE REIMBURSEMENT FOR  
31 HEALTH CARE SERVICES PROVIDED TO PROGRAM RECIPIENTS UNDER THIS  
32 SUBSECTION.

33                    ~~(5)~~ (5) The Department shall adopt regulations to carry out this  
34 subsection.†

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~~Article — Insurance~~

2

~~15-130.~~

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~~(a) (1) In this section, "telemedicine" means, as it relates to the delivery of health care services, the use of interactive audio, video, or other telecommunications or electronic technology by a licensed health care provider to deliver a health care service within the scope of practice of the health care provider at a site other than the site at which the patient is located.~~

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~~(2) "Telemedicine" does not include:~~

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~~(i) an audio-only telephone conversation between a health care provider and a patient;~~

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~~(ii) an electronic mail message between a health care provider and a patient; or~~

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~~(iii) a facsimile transmission between a health care provider and a patient.~~

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SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

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Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.