

SENATE BILL 198

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4r1688
CF HB 802

By: **Senators Pugh, Benson, Conway, Forehand, Jones–Rodwell, King, Manno, Mathias, Montgomery, Muse, Peters, and Pinsky**

Introduced and read first time: January 16, 2014

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 2014

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)

21 ~~BY repealing and reenacting, without amendments,~~
22 ~~Article – Insurance~~

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 ~~Section 15-139(a)~~
 2 ~~Annotated Code of Maryland~~
 3 ~~(2011 Replacement Volume and 2013 Supplement)~~

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

6 **Article – Health – General**

7 15-105.2.

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

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

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

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

18 (ii) ~~Is provided:~~

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

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

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

22 **(1) (i) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**
 23 **THE MEANINGS INDICATED.**

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

29 **(iii) 1. “TELEMEDICINE” MEANS, AS IT RELATES TO THE**
 30 **DELIVERY OF HEALTH CARE SERVICES, THE USE OF INTERACTIVE AUDIO,**
 31 **VIDEO, OR OTHER TELECOMMUNICATIONS OR ELECTRONIC TECHNOLOGY:**

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

5 B. THAT ENABLES THE PATIENT TO SEE AND
 6 INTERACT WITH THE HEALTH CARE PROVIDER AT THE TIME THE HEALTH CARE
 7 SERVICE IS PROVIDED TO THE PATIENT.

8 2. "TELEMEDICINE" DOES NOT INCLUDE:

9 A. AN AUDIO-ONLY TELEPHONE CONVERSATION
 10 BETWEEN A HEALTH CARE PROVIDER AND A PATIENT;

11 B. AN ELECTRONIC MAIL MESSAGE BETWEEN A
 12 HEALTH CARE PROVIDER AND A PATIENT; OR

13 C. A FACSIMILE TRANSMISSION BETWEEN A HEALTH
 14 CARE PROVIDER AND A PATIENT.

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

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

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

30 ~~(4)~~ **(5)** The Department shall adopt regulations to carry out this
 31 subsection.‡

32 ~~Article—Insurance~~

33 ~~15-139.~~

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.