

SENATE BILL 162

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CF 5lr1142

By: **Senators Nathan–Pulliam, Bates, Lee, Montgomery, Pugh, Raskin, and Rosapepe**

Introduced and read first time: January 30, 2015

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study Regulation of Teletherapy**

3 FOR the purpose of establishing the Task Force to Study Regulation of Teletherapy;
4 providing for the composition, chair, and staffing of the Task Force; prohibiting a
5 member of the Task Force from receiving certain compensation, but authorizing the
6 reimbursement of certain expenses; requiring the Task Force to study and make
7 recommendations on certain matters; requiring the Task Force to submit an interim
8 report and a final report, including its findings and recommendations, to the
9 Governor and certain legislative committees on or before certain dates; defining
10 certain terms; providing for the termination of this Act; and generally relating to the
11 Task Force to Study Regulation of Teletherapy.

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That:

14 (a) There is a Task Force to Study Regulation of Teletherapy.

15 (b) The Task Force consists of the following members:

16 (1) one member of the Senate of Maryland, appointed by the President of
17 the Senate;

18 (2) one member of the House of Delegates, appointed by the Speaker of the
19 House; and

20 (3) representatives, appointed by the Secretary of Health and Mental
21 Hygiene, of psychologists and other stakeholder groups such as:

22 (i) health care practitioners;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) consumers; and

2 (iii) health information technology experts.

3 (c) The Secretary shall designate the chair of the Task Force.

4 (d) The Department of Health and Mental Hygiene shall provide staff for the Task
5 Force.

6 (e) A member of the Task Force:

7 (1) may not receive compensation as a member of the Task Force; but

8 (2) is entitled to reimbursement for expenses under the Standard State
9 Travel Regulations as provided in the State budget.

10 (f) (1) (i) In this subsection the following words have the meanings
11 indicated.

12 (ii) “Telecommunication” means the preparation, transmission,
13 communication, or related processing of information by electrical, electromagnetic,
14 electromechanical, electro-optical, or electronic means.

15 (iii) “Telecommunication technologies” includes telephone, mobile
16 devices, interactive videoconferencing, electronic mail, chat, text, and Internet.

17 (iv) “Teletherapy” means the provision of mental health therapy
18 services using telecommunication technologies.

19 (2) The Task Force shall:

20 (i) study the benefits of, problems associated with, and need for
21 State regulation, including licensing, of teletherapy;

22 (ii) include in the study the following components:

23 1. a licensed health care practitioner’s required knowledge of
24 and competence in the use of telecommunication technologies;

25 2. the standards of care used in the delivery of teletherapy
26 services and how they differ from the standards of care used in mental health therapy
27 services not delivered by telecommunication technology;

28 3. the appropriateness of different telecommunication
29 technologies used in the delivery of teletherapy services;

- 1 informed consent by patients receiving teletherapy
2 services;
- 3 4. confidentiality of data and information;
- 4 5. security and transmission of data and information;
- 5 6. disposal of data, information, and technologies;
- 6 7. testing and assessment;
- 7 8. interjurisdictional practice; and
- 8 9. enforcement of any regulation of teletherapy;

9 (iii) in studying the need for State regulation, including licensing, of
10 teletherapy, take into consideration the existing State regulation of health care
11 practitioners in related professions; and

12 (iv) for each component of the study, develop recommendations for
13 regulation, including licensing, of teletherapy.

14 (g) (1) On or before December 1, 2015, the Task Force shall submit an interim
15 report on its study to the Governor and, in accordance with § 2-1246 of the State
16 Government Article, the Senate Education, Health, and Environmental Affairs Committee
17 and the House Health and Government Operations Committee.

18 (2) On or before December 1, 2016, the Task Force shall submit a final
19 report on its study, including findings and recommendations, to the Governor and, in
20 accordance with § 2-1246 of the State Government Article, the Senate Education, Health,
21 and Environmental Affairs Committee and the House Health and Government Operations
22 Committee.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2015. It shall remain effective for a period of 2 years and, at the end of June 30, 2017,
25 this Act shall be abrogated and of no further force and effect.