

# HOUSE BILL 886

J1

6lr3279  
CF SB 242

---

By: **Delegate West**

Introduced and read first time: February 10, 2016

Assigned to: Health and Government Operations

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2016

---

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

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Telemedicine – Modifications**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene, under certain  
4 circumstances, to include primary care providers in the types of health care providers  
5 eligible to receive reimbursement for health care services that are delivered through  
6 telemedicine and provided to Maryland Medical Assistance Program recipients;  
7 ~~prohibiting~~ authorizing the Department ~~from requiring~~ to require a health care  
8 provider to ~~comply with administrative requirements for reimbursement for health~~  
9 ~~care services that are delivered through telemedicine that are not required for~~  
10 ~~reimbursement for health care services that are delivered in person~~ submit a certain  
11 form to the Department; requiring the Department, in consultation with the  
12 Maryland Health Care Commission, to ~~provide an opportunity for stakeholders to~~  
13 ~~participate in the development of certain regulations~~; ~~requiring the Department to~~  
14 ~~submit a draft of the regulations to certain legislative committees and provide a~~  
15 ~~certain period of time for review and comment~~ submit a certain report to certain  
16 committees of the General Assembly on or before a certain date; and generally  
17 relating to Maryland Medical Assistance Program reimbursement for health care  
18 services that are delivered through telemedicine.

19 BY repealing and reenacting, with amendments,  
20 Article – Health – General  
21 Section 15–105.2  
22 Annotated Code of Maryland  
23 (2015 Replacement Volume)

---

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

3 **Article – Health – General**

4 15–105.2.

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

7 (b) (1) (i) In this subsection the following words have the meanings  
8 indicated.

9 (ii) “Health care provider” means a person who is licensed, certified,  
10 or otherwise authorized under the Health Occupations Article to provide health care in the  
11 ordinary course of business or practice of a profession or in an approved education or  
12 training program.

13 (iii) 1. “Telemedicine” means, as it relates to the delivery of  
14 health care services, the use of interactive audio, video, or other telecommunications or  
15 electronic technology:

16 A. By a health care provider to deliver a health care service  
17 that is within the scope of practice of the health care provider at a site other than the site  
18 at which the patient is located; and

19 B. That enables the patient to see and interact with the  
20 health care provider at the time the health care service is provided to the patient.

21 2. “Telemedicine” does not include:

22 A. An audio–only telephone conversation between a health  
23 care provider and a patient;

24 B. An electronic mail message between a health care provider  
25 and a patient; or

26 C. A facsimile transmission between a health care provider  
27 and a patient.

28 (2) To the extent authorized by federal law or regulation, the provisions of  
29 § 15–139(c) through (f) of the Insurance Article relating to coverage of and reimbursement  
30 for health care services delivered through telemedicine shall apply to the Program and  
31 managed care organizations in the same manner they apply to carriers.

32 (3) Subject to the limitations of the State budget and to the extent  
33 authorized by federal law or regulation, the Department may authorize coverage of and

1 reimbursement for health care services that are delivered through store and forward  
2 technology or remote patient monitoring.

3 (4) (I) The Department may specify by regulation the types of health  
4 care providers eligible to receive reimbursement for health care services provided to  
5 Program recipients under this subsection.

6 (II) IF THE DEPARTMENT SPECIFIES BY REGULATION THE  
7 TYPES OF HEALTH CARE PROVIDERS ELIGIBLE TO RECEIVE REIMBURSEMENT FOR  
8 HEALTH CARE SERVICES PROVIDED TO PROGRAM RECIPIENTS UNDER THIS  
9 SUBSECTION, THE TYPES OF HEALTH CARE PROVIDERS SPECIFIED SHALL INCLUDE  
10 PRIMARY CARE PROVIDERS.

11 (5) ~~THE DEPARTMENT MAY NOT REQUIRE A HEALTH CARE PROVIDER~~  
12 ~~TO COMPLY WITH ADMINISTRATIVE REQUIREMENTS, INCLUDING APPROVAL OF A~~  
13 ~~PROVIDER ADDENDUM, FOR REIMBURSEMENT FOR HEALTH CARE SERVICES THAT~~  
14 ~~ARE DELIVERED THROUGH TELEMEDICINE THAT ARE NOT REQUIRED FOR~~  
15 ~~REIMBURSEMENT FOR HEALTH CARE SERVICES THAT ARE DELIVERED IN PERSON~~  
16 REQUIRE A HEALTH CARE PROVIDER TO SUBMIT A REGISTRATION FORM TO THE  
17 DEPARTMENT THAT INCLUDES INFORMATION REQUIRED FOR THE PROCESSING OF  
18 CLAIMS FOR REIMBURSEMENT FOR HEALTH CARE SERVICES PROVIDED TO  
19 PROGRAM RECIPIENTS UNDER THIS SUBSECTION.

20 [(5)] (6) (H) The Department shall adopt regulations to carry out this  
21 subsection.

22 (H) ~~THE DEPARTMENT SHALL:~~

23 ~~1. PROVIDE AN OPPORTUNITY FOR STAKEHOLDERS TO~~  
24 ~~PARTICIPATE IN THE DEVELOPMENT OF THE REGULATIONS; AND~~

25 ~~2. A. SUBMIT A DRAFT OF THE REGULATIONS TO THE~~  
26 ~~SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT~~  
27 ~~OPERATIONS COMMITTEE; AND~~

28 ~~B. PROVIDE THE COMMITTEES WITH A 30 DAY PERIOD~~  
29 ~~FOR REVIEW AND COMMENT.~~

30 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2016,  
31 the Department of Health and Mental Hygiene, in consultation with the Maryland Health  
32 Care Commission, shall submit a report, in accordance with § 2-1246 of the State  
33 Government Article, to the Senate Finance Committee and the House Health and  
34 Government Operations Committee:

HOUSE BILL 886

1                   (1) assessing the telehealth policies of select Medicaid programs in other  
2 states, including reimbursement for telehealth services provided in a home setting; and

3                   (2) detailing planned enhancements to the Maryland Medicaid telehealth  
4 program.

5                   SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 ~~October~~ June 1, 2016.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.