

HOUSE BILL 983

C3

7lr2396

By: **Delegates Pena–Melnyk, Angel, Frush, and Tarlau**

Introduced and read first time: February 8, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Telemedicine – Counseling for Substance Use Disorders**

3 FOR the purpose of requiring the health care services delivered through telemedicine under
4 health insurance to include counseling for substance use disorders; providing for the
5 application of this Act; and generally relating to coverage of and reimbursement for
6 counseling for substance use disorders delivered through telemedicine under health
7 insurance.

8 BY repealing and reenacting, with amendments,

9 Article – Insurance

10 Section 15–139

11 Annotated Code of Maryland

12 (2011 Replacement Volume and 2016 Supplement)

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

14 That the Laws of Maryland read as follows:

15 **Article – Insurance**

16 15–139.

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

22 (2) “Telemedicine” does not include:

23 (i) an audio–only telephone conversation between a health care
24 provider and a patient;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 (b) This section applies to:

6 (1) insurers and nonprofit health service plans that provide hospital,
7 medical, or surgical benefits to individuals or groups on an expense-incurred basis under
8 health insurance policies or contracts that are issued or delivered in the State; and

9 (2) health maintenance organizations that provide hospital, medical, or
10 surgical benefits to individuals or groups under contracts that are issued or delivered in
11 the State.

12 (c) (1) An entity subject to this section:

13 [(1)] (I) shall provide coverage under a health insurance policy or
14 contract for health care services appropriately delivered through telemedicine; and

15 [(2)] (II) may not exclude from coverage a health care service solely
16 because it is provided through telemedicine and is not provided through an in-person
17 consultation or contact between a health care provider and a patient.

18 (2) **THE HEALTH CARE SERVICES APPROPRIATELY DELIVERED**
19 **THROUGH TELEMEDICINE SHALL INCLUDE COUNSELING FOR SUBSTANCE USE**
20 **DISORDERS.**

21 (d) An entity subject to this section:

22 (1) shall reimburse a health care provider for the diagnosis, consultation,
23 and treatment of an insured patient for a health care service covered under a health
24 insurance policy or contract that can be appropriately provided through telemedicine;

25 (2) is not required to:

26 (i) reimburse a health care provider for a health care service
27 delivered in person or through telemedicine that is not a covered benefit under the health
28 insurance policy or contract; or

29 (ii) reimburse a health care provider who is not a covered provider
30 under the health insurance policy or contract; and

1 (3) (i) may impose a deductible, copayment, or coinsurance amount on
2 benefits for health care services that are delivered either through an in-person consultation
3 or through telemedicine;

4 (ii) may impose an annual dollar maximum as permitted by federal
5 law; and

6 (iii) may not impose a lifetime dollar maximum.

7 (e) An entity subject to this section may undertake utilization review, including
8 preauthorization, to determine the appropriateness of any health care service whether the
9 service is delivered through an in-person consultation or through telemedicine if the
10 appropriateness of the health care service is determined in the same manner.

11 (f) A health insurance policy or contract may not distinguish between patients in
12 rural or urban locations in providing coverage under the policy or contract for health care
13 services delivered through telemedicine.

14 (g) A decision by an entity subject to this section not to provide coverage for
15 telemedicine in accordance with this section constitutes an adverse decision, as defined in
16 § 15–10A–01 of this title, if the decision is based on a finding that telemedicine is not
17 medically necessary, appropriate, or efficient.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
19 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or
20 after October 1, 2017.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2017.