

Chapter 765

(House Bill 983)

AN ACT concerning

**Health Insurance – ~~Telemedicine~~ Health Care Services Delivered Through
Telehealth – ~~Counseling for Substance Use Disorders~~ Coverage**

FOR the purpose of requiring the health care services delivered through ~~telemedicine~~ telehealth under health insurance to include counseling for substance use disorders; altering a certain definition; making conforming changes; providing for the application of this Act; and generally relating to coverage of and reimbursement for ~~counseling for substance use disorders~~ health care services delivered through ~~telemedicine~~ telehealth under health insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–139
Annotated Code of Maryland
(2011 Replacement Volume and 2016 Supplement)

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

Article – Insurance

15–139.

(a) (1) In this section, ~~“telemedicine”~~ **“TELEHEALTH”** 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~~ **LOCATION** other than the ~~site at which the patient is located~~ **LOCATION OF THE PATIENT**.

(2) ~~“Telemedicine”~~ **“TELEHEALTH”** does not include:

- (i) an audio-only telephone conversation between a health care provider and a patient;
- (ii) an electronic mail message between a health care provider and a patient; or
- (iii) a facsimile transmission between a health care provider and a patient.

(b) This section applies to:

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

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

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

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

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

(2) THE HEALTH CARE SERVICES APPROPRIATELY DELIVERED THROUGH ~~TELEMEDICINE~~ TELEHEALTH SHALL INCLUDE COUNSELING FOR SUBSTANCE USE DISORDERS.

(d) An entity subject to this section:

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

(2) is not required to:

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

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

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

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

(iii) may not impose a lifetime dollar maximum.

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

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

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

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

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

Approved by the Governor, May 25, 2017.