

HOUSE BILL 1652

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CF SB 704

By: **Delegates Sample–Hughes, Barron, and Lam**

Introduced and read first time: February 9, 2018

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Telemedicine – Assertive Community**
3 **Treatment and Mobile Treatment Services**

4 FOR the purpose of requiring the Maryland Department of Health, under certain
5 circumstances, to include psychiatrists who are providing Assertive Community
6 Treatment or mobile treatment services to certain Maryland Medical Assistance
7 Program recipients in the types of providers eligible to receive reimbursement for
8 health care services that are delivered through telemedicine and provided to
9 Program recipients; providing that a certain health care service provided through
10 telemedicine by a certain psychiatrist is equivalent to the same health care service
11 when provided through an in–person consultation for a certain purpose; and
12 generally relating to the Maryland Medical Assistance Program and telemedicine.

13 BY repealing and reenacting, with amendments,
14 Article – Health – General
15 Section 15–105.2
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2017 Supplement)

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

20 **Article – Health – General**

21 15–105.2.

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

24 (b) (1) (i) In this subsection the following words have the meanings
25 indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

13 2. “Telemedicine” does not include:

14 A. An audio-only telephone conversation between a health
15 care provider and a patient;

16 B. An electronic mail message between a health care provider
17 and a patient; or

18 C. A facsimile transmission between a health care provider
19 and a patient.

20 (2) To the extent authorized by federal law or regulation, the provisions of
21 § 15–139(c) through (f) of the Insurance Article relating to coverage of and reimbursement
22 for health care services delivered through telemedicine shall apply to the Program and
23 managed care organizations in the same manner they apply to carriers.

24 (3) Subject to the limitations of the State budget and to the extent
25 authorized by federal law or regulation, the Department may authorize coverage of and
26 reimbursement for health care services that are delivered through store and forward
27 technology or remote patient monitoring.

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

31 (ii) If the Department specifies by regulation the types of health care
32 providers eligible to receive reimbursement for health care services provided to Program
33 recipients under this subsection, the types of health care providers specified shall include
34 [primary]:

1 1. **PRIMARY** care providers; AND

2 2. **PSYCHIATRISTS WHO ARE PROVIDING ASSERTIVE**
3 **COMMUNITY TREATMENT OR MOBILE TREATMENT SERVICES TO PROGRAM**
4 **RECIPIENTS LOCATED IN A HOME OR COMMUNITY-BASED SETTING.**

5 **(III) FOR THE PURPOSE OF REIMBURSEMENT AND ANY FIDELITY**
6 **STANDARDS ESTABLISHED BY THE DEPARTMENT, A HEALTH CARE SERVICE**
7 **PROVIDED THROUGH TELEMEDICINE BY A PSYCHIATRIST DESCRIBED UNDER**
8 **SUBPARAGRAPH (II)2 OF THIS PARAGRAPH IS EQUIVALENT TO THE SAME HEALTH**
9 **CARE SERVICE WHEN PROVIDED THROUGH AN IN-PERSON CONSULTATION.**

10 (5) The Department may require a health care provider to submit a
11 registration form to the Department that includes information required for the processing
12 of claims for reimbursement for health care services provided to Program recipients under
13 this subsection.

14 (6) The Department shall adopt regulations to carry out this subsection.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2018.