

# SENATE BILL 704

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CF 8lr3503

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By: **Senators Klausmeier, Astle, Eckardt, Guzzone, Mathias, Middleton, Peters, and Rosapepe**

Introduced and read first time: February 2, 2018

Assigned to: Finance

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## 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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 indicated.

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

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

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

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

14 2. "Telemedicine" does not include:

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

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

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

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

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

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

32 (ii) If the Department specifies by regulation the types of health care  
33 providers eligible to receive reimbursement for health care services provided to Program  
34 recipients under this subsection, the types of health care providers specified shall include  
35 [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.