

HOUSE BILL 434

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By: **Delegate K. Young**

Introduced and read first time: January 15, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Telehealth – Health Care Practitioners and the Maryland**
3 **Medical Assistance Program**

4 FOR the purpose of requiring the Maryland Medical Assistance Program, subject to a
5 certain limitation, to provide health care services appropriately delivered through
6 telehealth, including services that are provided using an audio–only call; altering a
7 certain provision of law requiring the Program to provide certain mental health
8 services to require the services to include the use of an audio–only call; providing
9 that certain regulations may not prohibit a health care provider from using
10 audio–only calls to provide certain services; altering a certain definition; and
11 generally relating to telehealth.

12 BY repealing and reenacting, without amendments,
13 Article – Health – General
14 Section 15–103(a)(1)
15 Annotated Code of Maryland
16 (2019 Replacement Volume and 2020 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Health – General
19 Section 15–103(a)(2)(xv) and (xvi)
20 Annotated Code of Maryland
21 (2019 Replacement Volume and 2020 Supplement)

22 BY adding to
23 Article – Health – General
24 Section 15–103(a)(2)(xvii)
25 Annotated Code of Maryland
26 (2019 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Health Occupations
3 Section 1–1001 and 1–1006
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2020 Supplement)

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

8 **Article – Health – General**

9 15–103.

10 (a) (1) The Secretary shall administer the Maryland Medical Assistance
11 Program.

12 (2) The Program:

13 (xv) Shall provide, subject to the limitations of the State budget,
14 mental health services appropriately delivered through telehealth to a patient in the
15 patient’s home setting, **INCLUDING THROUGH THE USE OF AN AUDIO–ONLY CALL; [and]**

16 (xvi) Beginning on January 1, 2021, shall provide, subject to the
17 limitations of the State budget and § 15–855(b)(2) of the Insurance Article, and as permitted
18 by federal law, services for pediatric autoimmune neuropsychiatric disorders associated
19 with streptococcal infections and pediatric acute onset neuropsychiatric syndrome,
20 including the use of intravenous immunoglobulin therapy, for eligible Program recipients,
21 if pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections
22 and pediatric acute onset neuropsychiatric syndrome are coded for billing and diagnosis
23 purposes in accordance with § 15–855(d) of the Insurance Article; **AND**

24 **(XVII) SHALL PROVIDE, SUBJECT TO THE LIMITATIONS OF THE**
25 **STATE BUDGET, HEALTH CARE SERVICES APPROPRIATELY DELIVERED THROUGH**
26 **TELEHEALTH, INCLUDING SERVICES THAT ARE PROVIDED USING AN AUDIO–ONLY**
27 **CALL.**

28 **Article – Health Occupations**

29 1–1001.

30 (a) In this subtitle the following words have the meanings indicated.

31 (b) “Asynchronous telehealth interaction” means an exchange of information
32 between a patient and a health care practitioner that does not occur in real time, including
33 the secure collection and transmission of a patient’s medical information, clinical data,
34 clinical images, laboratory results, and self–reported medical history.

1 (c) "Health care practitioner" means an individual who is licensed, certified, or
2 otherwise authorized by law to provide health care services under this article.

3 (d) "Synchronous telehealth interaction" means an exchange of information
4 between a patient and a health care practitioner that occurs in real time.

5 (e) (1) "Telehealth" means a mode of delivering health care services,
6 **INCLUDING SUBSTANCE USE DISORDER AND MENTAL HEALTH SERVICES**, through the
7 use of telecommunications technologies by a health care practitioner to a patient at a
8 different physical location than the health care practitioner.

9 (2) "Telehealth" includes synchronous and asynchronous interactions **AND**
10 **AUDIO-ONLY CALLS**.

11 (3) "Telehealth" does not include the provision of health care services solely
12 through [audio-only calls,] e-mail messages[,] or facsimile transmissions.

13 1-1006.

14 (a) A health occupations board may adopt regulations to implement this subtitle.

15 (b) Regulations adopted by a health occupations board under subsection (a) of this
16 section:

17 (1) May not establish a separate standard of care for telehealth; [and]

18 (2) Shall allow for the establishment of a practitioner-patient relationship
19 through a synchronous telehealth interaction or an asynchronous telehealth interaction
20 provided by a health care practitioner who is complying with the health care practitioner's
21 standard of care; **AND**

22 **(3) MAY NOT PROHIBIT A HEALTH CARE PROVIDER FROM USING**
23 **AUDIO-ONLY CALLS TO PROVIDE HEALTH CARE SERVICES THROUGH TELEHEALTH.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2021.