

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 878

(Delegate D. Jones, *et al.*)

Ways and Means

Education, Energy, and the Environment

Public Schools - Student Telehealth Appointments - Policy and Access

This bill requires each local board of education to establish a policy to accommodate students who need to participate in telehealth appointments scheduled during the school day. Each local board must ensure that the local school system publishes the student telehealth policy in the student handbook and makes school personnel aware of student telehealth policy objectives and requirements. On request, the Maryland State Department of Education (MSDE) must provide technical assistance to local boards to establish telehealth policies. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: MSDE can provide technical assistance to local boards to establish telehealth policies with existing budgeted resources. Revenues are not affected.

Local Effect: Local boards of education can establish the required policies using existing budgeted resources. However, local school systems may face operational challenges in designating an appropriate space and implementing safety and privacy measures, as required under the policy that must be established. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: “Telehealth” means a mode of delivering health care services through the use of telecommunications technologies by a health care practitioner to a patient at a different physical location than the health care practitioner.

The telehealth policy must require each middle and high school to designate a space for student telehealth appointments that (1) is a private space in the school; (2) has Internet access; (3) includes at least one seating option with a flat surface and electrical outlet nearby to accommodate placement of a laptop; and (4) is not a bathroom or closet. The telehealth policy must also require each middle and high school to implement measures to ensure the safety and privacy of a student participating in a telehealth appointment.

The bill must not be construed to require a school to construct an addition or new space to a school building to provide a private space to comply with the student telehealth policy.

Current Law: Chapters 15 and 16 of 2020 authorize a health care practitioner to establish a practitioner-patient relationship through either a synchronous telehealth interaction or an asynchronous telehealth interaction, if the health care practitioner (1) verifies the identity of the patient receiving health care services through telehealth; (2) discloses to the patient the health care practitioner's name, contact information, and the type of health occupation license held by the health care practitioner; and (3) obtains oral or written consent from the patient (or the patient's parent or guardian if required).

A health care practitioner must perform a clinical evaluation (which can be through a synchronous or an asynchronous telehealth interaction) that is appropriate for the patient and the condition with which the patient presents before providing treatment or issuing a prescription through telehealth.

The Acts prohibit regulations adopted by a health occupations board from establishing a separate standard of care for telehealth and specify that such regulations must allow for the establishment of a practitioner-patient relationship through a synchronous or an asynchronous telehealth interaction provided by a health care practitioner who is complying with the health care practitioner's standard of care.

School-based health centers (SBHCs) are health centers located in a school or on a school campus that provide on-site comprehensive preventive and primary health services. Services may also include behavioral health, oral health, ancillary, and supportive services. Chapter 384 of 2021 expanded the authorization of SBHCs to provide telehealth services.

Local Expenditures: Local boards can create the required policies with existing budgeted resources. Likewise, local school systems can make school personnel aware of the new telehealth policies developed by the board with existing budgeted resources. However, local school systems may face operational challenges in designating an appropriate space and implementing measures to ensure safety and privacy of students participating in a telehealth appointment.

For example, Anne Arundel County Public Schools advises that significant expenditures may be incurred to hire additional staff to supervise students on telehealth calls and prevent situations where a student enters crisis during a telehealth appointment. However, school systems can likely meet the bill's requirement that the policy implement safety and privacy measures without hiring additional staff, and any staffing costs are dependent on the exact policies adopted by the local boards of education and not a direct result of the bill.

Further, Baltimore City Public Schools advises that, while the bill does not require the construction of additional space for telehealth appointments, some schools in the city may be particularly challenged in finding sufficient and appropriate space for telehealth appointments.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Maryland State Department of Education; Maryland Department of Health; Anne Arundel County Public Schools; Baltimore City Public Schools; Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2023
rh/jc Third Reader - March 28, 2023
Revised - Amendment(s) - March 28, 2023
Revised - Clarification - March 28, 2023

Analysis by: Michael E. Sousane

Direct Inquiries to:
(410) 946-5510
(301) 970-5510