

SB0372/993822/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 372
(Third Reading File Bill)

On page 1, in line 11, after “rate;” insert “altering the circumstances under which health care practitioners are authorized to prescribe certain controlled dangerous substances for the treatment of pain through telehealth;”.

On page 2, after line 2, insert:

“BY repealing and reenacting, with amendments,
Article - Health Occupations
Section 1-1003
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)”.

On page 3, after line 31, insert:

“Article – Health Occupations

1-1003.

(a) A health care practitioner providing telehealth services shall:

(1) Be held to the same standards of practice that are applicable to in-person health care settings; and

(2) If clinically appropriate for the patient, provide or refer a patient to in-person health care services or another type of telehealth service.

(b) (1) A health care practitioner shall perform a clinical evaluation that is appropriate for the patient and the condition with which the patient presents before providing treatment or issuing a prescription through telehealth.

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(2) A health care practitioner may use a synchronous telehealth interaction or an asynchronous telehealth interaction to perform the clinical evaluation required under paragraph (1) of this subsection.

(c) (1) A health care practitioner may not prescribe an opiate described in the list of Schedule II substances under § 5–403 of the Criminal Law Article for the treatment of pain through telehealth, unless:

(i) The individual receiving the prescription is a patient in a health care facility, as defined in § 19–114 of the Health – General Article; [or]

(ii) The Governor has declared a state of emergency due to a catastrophic health emergency; OR

(iii) THERE IS AN ESTABLISHED BONA FIDE PRACTITIONER–PATIENT RELATIONSHIP IN WHICH THE HEALTH CARE PRACTITIONER HAS ONGOING RESPONSIBILITY FOR THE ASSESSMENT, CARE, AND TREATMENT OF THE PATIENT AND THE HEALTH CARE PRACTITIONER, OR ANOTHER HEALTH CARE PRACTITIONER IN THE SAME GROUP PRACTICE, PREVIOUSLY CONDUCTED AN IN–PERSON ASSESSMENT OF THE PATIENT.

(2) Subject to paragraph (1) of this subsection, a health care practitioner who through telehealth prescribes a controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article, is subject to any applicable regulation, limitation, and prohibition in federal and State law relating to the prescription of controlled dangerous substances.”.