



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Acting Secretary

Board of Professional Counselors and Therapists
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**2021 SESSION
POSITION PAPER**

BILL NO: SB 3
COMMITTEE: Education, Health and Environmental Affairs
POSITION: Oppose

TITLE: Preserve Telehealth Access Act of 2021

BILL ANALYSIS: This bill alters the health care services the Maryland Medical Assistance Program is required to provide through telehealth; alters the definition of “telehealth” under Insurance Article §15-139(a) and prohibits certain insurers, nonprofit health service plans, and health maintenance organizations from imposing, as a condition of reimbursement of a health care service delivered through telehealth, that the health care service be provided by a certain health care provider.

POSITION AND RATIONALE: While the Maryland Board of Professional Counselors and Therapists (the “Board”) recognizes the value in the extension of telehealth, the Board opposes the use of telehealth utilizing audio only as specified in SB 3, specifically under Insurance Article, §15-139(a). It is too soon to assess whether a permanent change is appropriate. The state of emergency which required a temporary change is ongoing. Data about the success or failure of audio-only telehealth is not available at this time to make a permanent and long lasting change.

The majority of communication is non-verbal. Providers need to observe non-verbal behaviors to effectively treat clients. Certain behaviors cannot be detected during audio only sessions. In alcohol and drug treatment, if a client is under the influence of a substance, the provider can observe specific traits to identify substance abuse. With audio use only, the provider cannot observe a client’s eyes or mouth moving slowing, red eyes, swaying, and/or lack of coordination. These non-verbal indicators or cues could go undetected by an addictions counselor. As a result, there is an increased chance for a misdiagnosis in alcohol and drug therapy.

The provider is unable to observe psychopathic features of the client with audio only. Providers cannot assess the client’s orientation. A provider cannot evaluate facial expressions, movements,

attire or personal maintenance, body movements, and hand gestures. These are just some examples of non-verbal cues that are instrumental in diagnosis.

A provider is unable to identify the client by using only audio. In audio and video telehealth sessions, the provider can verify a client's identity by the client's driver's license. For these reasons, the Maryland Board of Professional Counselors and Therapists respectfully requests an unfavorable report on SB 3.

Thank you for your consideration. If you have questions about this matter you may contact Danielle Vallone, Acting Executive Director, at 410-764-4734 or Danielle.Vallone@maryland.gov.

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.