



## **SB 398**

### **Out-of-State Health Care Practitioners –**

### **Provision of Behavioral Health Services via Telehealth – Authorization**

#### **Favorable with Amendments**

The Maryland Association for Justice (MAJ) envisions a fair and impartial legal system that protects the rights and safety of all people. The Maryland Association for Justice is dedicated to improving and protecting the civil justice system through legislative advocacy and the professional development of trial lawyers.

SB 398 authorizes a health care practitioner who is not licensed in Maryland to provide behavioral health services via telehealth to a patient in the State.

MAJ has concerns with language regarding “venues for a civil action initiated against an out of state practitioner” outlined in §1-1005, new part (B)(6), beginning on page 3, lines 18 – 25.

As drafted the venue for civil action is currently limited to the patient’s county of residence or any county in the state in accordance with §6-201 of the Courts and Judicial Proceedings Article.

§6-201, with regards to civil actions, states

“Subject to the provisions of § 6-202 and §6-203 of this subtitle and unless otherwise provided by law, a civil action shall be brought in a county where the defendant resides, carries on a regular business, is employed, or habitually engages in a vocation. In addition, a corporation also may be sued where it maintains its principal offices in the State.”

MAJ respectfully ask that the committee amend §1-1005, new part (B)(6) to include “AND § 6-202” after §6-201 on line 25 of page 3. Including § 6-202 would permit additional venues for specific actions including:

- Action against a corporation which has no principal place of business in the State -- Where the plaintiff resides;
- Tort action based on negligence -- Where the cause of action arose;
- Action for damages against a nonresident individual -- Any county in the State;
- Action against a person who absconds from a county or leaves the State before the statute of limitations has run -- Where the defendant is found;

MAJ asserts that this amendment brings the proposed provisions in line with Maryland’s current and “in-person” malpractice tort provisions.

(OVER)

*Beginning on Page 3, Line 23 of SB 398 insert and remove the following:*

18           **(6) VENUE FOR A CIVIL OR ADMINISTRATIVE ACTION INITIATED**  
19   **AGAINST AN OUT-OF-STATE HEALTH CARE PRACTITIONER BY THE**  
    **DEPARTMENT, A**  
20   **HEALTH OCCUPATIONS BOARD IN THE STATE, OR A PATIENT WHO**  
    **RECEIVES**  
21   **BEHAVIORAL HEALTH SERVICES VIA TELEHEALTH FROM THE HEALTH**  
    **CARE**  
22   **PRACTITIONER SHALL BE LOCATED IN:**  
23           **(I) THE PATIENT’S COUNTY OF RESIDENCE; OR**  
24           **(II) IN ANY OTHER COUNTY IN THE STATE WHERE VENUE MAY**  
25   **BE ESTABLISHED UNDER § 6–201 AND § 6–202 OF THE COURTS ARTICLE.**

**MAJ respectfully urges a Favorable with Amendments Report**