



Committee: House Health and Government Affairs Committee
Bill Number: House Bill 421
Title: Out-of-State Health Care Practitioners – Provision of Behavioral Health Services via Telehealth – Authorization
Hearing Date: February 10, 2021
Position: Oppose

The Maryland Nurses Association (MNA) opposes *House Bill 421 – Out-of-State Health Care Practitioners – Provision of Behavioral Health Services via Telehealth – Authorization*. Although we appreciate the underlying intent, we believe the legislation proposes the wrong model to expand access to behavioral health care services through out-of-state telehealth providers.

Strength of the Interstate Licensure Compact Model

We encourage the Maryland General Assembly and other stakeholders to promote the model of interstate licensure compacts. Nurses have the oldest and most expansive interstate licensure compact. Maryland was the first state to join the Nurse Licensure Compact in 1999. Over 20 years later, the compact has grown to include 39 states.

In the last few years, Maryland has demonstrated a rapid adoption of other licensure compacts including physicians and physical therapists. Just this past year, the Maryland General Assembly adopted compact legislation regarding compacts for occupational therapy, speech therapy, psychologists, and professional counselors.

Interstate licensure compacts offer the following advantages:

- **Strong Consumer Protections:** Compacts contain comprehensive agreements about how state licensure boards will cooperate on disciplinary matters; and
- **Addresses Need for More Providers for In-Person and Telehealth Care:** Compacts offer a solution to address workforce shortages for in-person and telehealth care.

Challenges Posed by This Legislation

The Maryland Nurses Association is concerned about the unintended consequences of this legislation on consumers, nursing professionals, and our health care system more generally:

- **Risk to Consumer Safety:** The legislation does not provide the legal tools for Maryland health occupation boards to pursue disciplinary issues for providers across state lines.
- **Compromise Existing or Future Interstate Licensure Compacts:** The legislation is broad and encompasses all health occupations that are licensed or certified in Maryland. For nurses, we are concerned that the legislation jeopardizes Maryland's participation in the Nurse Licensure Compact, as compact rules generally govern how states recognize and license out-of-state providers. We would imagine that other health professions may have similar concerns.
- **No Continuity of Care Solutions for Marylanders:** Marylanders want to continue to see Maryland providers when they travel out-of-state. These Marylanders include college students attending out-of-state schools, adult children who move temporarily to take care of aging parents, or individuals who travel frequently for work. The legislation does not offer any continuity of care solutions for Marylanders, as the bill's reach does not extend to other states. In contrast, interstate licensure compacts apply across all participating states.
- **Only Limited Continuity of Care Solutions for Visitors to Maryland:** The bill would allow visitors to Maryland to receive services from their home-state provider, but only if the provider meets the registration requirements under the legislation. Those requirements include obtaining a resident agent within Maryland.
- **Other Issues:** It is important to note that interstate licensure compacts usually take several years to develop, as there are many complex legal issues to address. Compacts are usually developed by a national organization, such as the Council of State Governments, who bring multiple stakeholders together to develop the compact.

Conclusion

Thank you for your consideration of our concerns about this legislation. We agree that Maryland must address the central question of licensure reciprocity as we move forward with telehealth. However, we do not believe this legislation offers an appropriate or sufficient model to improve access to care for Marylanders. If we can provide any additional information, please contact Robyn Elliott at relliott@policypartners.net or (443) 926-3443.