



2025 SESSION
POSITION PAPER

BILL NO: HB 869
COMMITTEE: HGO Committee
POSITION: Support
TITLE: Preserve Telehealth Access Act of 2025

BILL ANALYSIS

HB 869 – Preserve Telehealth Access Act of 2025 repeals the limitations on the period during which audio-only services are included under the definition of telehealth for the purpose of certain provisions of law relating to reimbursement and coverage of telehealth by the Maryland Medical Assistance Program (Program) and certain insurers, nonprofit health service plans, and health maintenance organizations (private payers). The bill repeals the limitation on the period during which the Program and private payers are required to provide reimbursement for certain health care services provided through telehealth at a certain rate.

POSITION AND RATIONALE

The Maryland Health Care Commission (MHCC) supports HB 869, which builds upon the temporary waivers in Chapters 70 (HB 123) and 71 (SB 3) of the 2021 Laws of Maryland, as well as Chapter 382 (SB 534) of the 2023 Laws of Maryland. The COVID-19 public health emergency (PHE) demonstrated the utility of telehealth and its potential to address disparities in access to care. While telehealth utilization has decreased as the PHE has subsided, it remains higher than pre-PHE levels in Maryland and nationwide. Providers and carriers generally support maintaining the policy changes introduced through the telehealth waivers.

Nearly 42 states have laws mandating audiovisual and audio-only telehealth coverage parity.¹ Allowing the use of audio-only telehealth promotes broader access to mental health and substance use disorder treatments, especially for individuals without

¹ Approaches vary with some states requiring use of certain codes and requirements to deliver in-person services or use in-network providers, among other things. More information is available at: <https://www.foley.com/wp-content/uploads/2024/04/50-State-Telemed-Report-2024.pdf>.

audiovisual capabilities or those who prefer audio-only consultations.² It preserves patient choice in how they access care, potentially improving patient satisfaction. Many patients prefer audio-only due to privacy concerns or personal comfort. This modality is particularly effective for underserved and vulnerable populations that lack the technological resources, financial means, or broadband access required for audiovisual telehealth.

Payment parity eliminates financial disincentives and promotes equity by enabling providers to use the telehealth modalities that are most accessible to their patients. It helps reduce the stigma often associated with in-person behavioral health visits. Approximately 29 states require some form of telehealth payment parity for private payers. About 14 states have enacted payment parity for audiovisual and audio-only telehealth.³ Providers regularly report that the complexity and duration of care are similar across modalities, with telehealth being just as resource-intensive as in-person visits.

The 2021 law required MHCC to study the impact of audiovisual and audio-only telehealth on somatic and behavioral health care, while the 2023 law mandated we examine and recommend improvements for delivering these services via audiovisual and audio-only telehealth, as well as payment parity. The final reports were submitted to the Senate Finance Committee and the House Health and Government Operations Committee in December 2022⁴ and October 2024⁵, respectively.

For the stated reasons above, we ask for a favorable report on HB 869.

² For private payers in Maryland (as of 2023), about four percent of all telehealth services were delivered using audio-only; use of audio-only is higher in somatic care (9 percent) compared to behavioral health (less than 1 percent).

³ Center for Connected Health Policy. Policy trend maps. More information is available at: www.cchpca.org/policy-trends/.

⁴ The Preserve Telehealth Access Act of 2021 report and Technical Report of The Maryland Telehealth Study are available at: www.mhcc.maryland.gov/mhcc/pages/plr/plr/plr.aspx.

⁵ The Preserve Telehealth Access Act of 2023 / Behavioral Health Care – Treatment and Access Act report, Data Supplement, Technical Report One, and Technical Report Two are available at: www.mhcc.maryland.gov/mhcc/pages/plr/plr/plr.aspx.