# Maryland

**Medicaid Program:** MD Medical Assistance Program

**Program Administrator:** MD Dept. of Social Services

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| **STATE LAW/REGULATIONS** | **MEDICAID PROGRAM** |
| **Definition of telemedicine/telehealth** | |
| “Telehealth means the use of telecommunications and information technologies for the exchange of information from one site to another, for the provision of health care to an individual from a provider through hardwire or Internet connection.”  ***Source: MD Health Occupations Annotated Sec. 2-101 (2012).***  Telemedicine means, as it relates to the delivery of health care services, the use of interactive audio, video, or other telecommunications or electronic technology:   1. By a health care provider to deliver a health care service that is within the scope of practice of the health care provider at a site other than the site at which the patient is located; and 2. That enables the patient to see and interact with the health care provider at the time the health care service is provided to the patient.   ***Source: Health General Code 15-105.2.***  “Telemedicine means the practice of medicine from a distance in which intervention and treatment decisions and recommendations are based on clinical data, documents, and information transmitted through telecommunications systems.”  ***Source: Code of Maryland Admin. Regs. Sec. 10.32.05.02***  “Telemedicine means the delivery of medically necessary services to a patient at an originating site by a consulting provider, through the use of technology- assisted communication.”  ***Source: Code of Maryland Admin. Regs. Sec. 10.09.49.02.***  ***Perinatal and Neonatal Referral Center Standards:*** "Telemedicine" means the use of interactive audio, video, or other telecommunications or electronic technology by a licensed health care provider to deliver | “Telemedicine means the delivery of medically necessary services to a participant at an originating site by a consulting provider, through the use of technology- assisted communication.”  ***Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2014 Telemedicine Provider Manual. September 2014, p.***  ***8. (Accessed Jul. 2015).*** |

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| a health care service within the scope of practice of the health care provider at a site other than the site at which the patient is located, in compliance with COMAR 10.32.05.and including at least two forms of communication.  ***Source: MD COMAR Sec. 30.08.12.*** |  |
| **Live Video Reimbursement** | |
| Maryland law requires private insurers to provide coverage for telemedicine services (subject to terms and conditions of contract), which includes live video.  *(See “Private Payers” section).*  ***Source: MD Insurance Code Annotated Sec. 15-139 (2012).***  Maryland law requires the state Medicaid program to provide coverage for live video telemedicine services (subject to terms and conditions of contract), the same as it does for private payers.  ***Source: Health General Code 15-105.2.***  The Department may not reimburse telemedicine services by an originating and distant site provider located in different facilities in the same hospital campus.  ***Source: Code of Maryland Admin. Regs. Sec. 10.09.49.11.***  The Department shall grant approval to allow originating and consulting site providers to receive State and federal funds for providing telemedicine services if the telemedicine provider meets certain requirements.  Telemedicine providers must be part of a private practice, hospital or other health care system.   * Must be an agreement between a medical assistance-approved originating site provider and consulting provider.   ***Source: Code of Maryland Admin. Regs. Sec. 10.09.49.03-04.***  Providers must have a written contingency plan when telemedicine is unavailable.  ***Source: Code of Maryland Admin. Regs. Sec. 10.09.49.07.*** | Reimbursement for telemedicine is required by Maryland Medical Assistance if the health care service is medically necessary and provided:   * For the treatment of cardiovascular disease or stroke; * In an emergency department setting; and * When an appropriate specialist is not available.   ***Source: MD Insurance Code Sec. 15-105.2***  The Maryland Medical Assistance Program will reimburse for medically necessary consultation services rendered by an approved consulting provider.  Eligible Distant Site Providers:   * Free standing renal dialysis centers * Federally Qualified Health Centers * Hospitals, including EDs * Local health departments * Nursing facilities * Physicians * Nurse practitioners * Nurse midwives   ***Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2014 Telemedicine Provider Manual. September 2014, p. 4-6 & Code of Maryland Admin. Regs. Sec. 10.09.49.05-07.***  Using “Hub-and-Spoke” models, providers mutually approved by DHMH will engage in agreements to both deliver care and bill Medicaid for approved telemedicine services, using fee-for-service reimbursement practices.  ***Source: Telemedicine Provider Information. MD Department of Health and Mental Hygiene. Oct. 1, 2014. (Accessed Jul. 2015).***  **Managed Care**  MCOs shall provide coverage for medically necessary telemedicine services.  ***Source: Code of Maryland Admin. Regs. Sec. 10.09.67.31.***  **Mental Health**  Maryland Medicaid will reimburse for telemental health services.  A distant site provider must be a psychiatrist with either |

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|  | a Medicaid provider number or is a psychiatrist in an FQHC or outpatient mental health clinics. The distant site must be in Maryland.  Eligible services:   * Psychiatric diagnostic interview examination * Individual psychotherapy * Pharmacologic management   Both the distant and originating telemedicine providers must submit an application to the Maryland Mental Health Administration describing how the originating and distant site will comply with relevant regulations.  The originating site may bill for a “tele-presenter” if it is medically necessary.  ***Source: MD Department of Health and Mental Hygiene, Maryland Value Options, Provider Alert. Telemental Health. July 12, 2011 p.***  ***2. (Accessed Jul. 2015).*** |
| **Store and Forward Reimbursement** | |
| No reimbursement based upon definition of “telemedicine” which describes telemedicine as “interactive”.  ***Source: MD Insurance Code Annotated Sec. 15-139 (2012).***  The department may provide reimbursement for services delivered through store and forward technology.  ***Source: Health General Code 15-105.2.*** | Maryland Medicaid does not cover store and forward.  ***Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2014 Telemedicine Provider Manual. September 2014, p. 6 (Accessed Jul. 2015) & Code of Maryland Admin. Regs. Sec. 10.09.49.11.***  Providers of health care services delivered through telemedicine must use video and audio transmission with less than a 300 millisecond delay.  ***Source: Code of Maryland Admin. Regs. Sec. 10.09.49.08.*** |
| **Remote Patient Monitoring Reimbursement** | |
| The department may provide reimbursement for services delivered through remote patient monitoring technology.  ***Source: Health General Code 15-105.2.*** | No reimbursement for home health monitoring services.  ***Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2014 Telemedicine Provider Manual. September 2014, p. 6 (Accessed Jul. 2015) & Code of Maryland Admin. Regs. Sec. 10.09.49.11.*** |
| **Email/Phone/FAX** | |
| No reimbursement for email.  No reimbursement for telephone. No reimbursement for FAX.  ***Source: MD Insurance Code Annotated Sec. 15-139 (2012) & Health General Code 15-105.2.*** | No reimbursement for email.  No reimbursement for telephone. No reimbursement for FAX.  ***Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2014 Telemedicine Provider Manual. September 2014, p.***  ***6. (Accessed Jul. 2015) & Code of Maryland Admin. Regs. Sec. 10.09.49.11.*** |
| **Online Prescribing** | |
| A physician-patient relationship can be established through real time auditory communications or real-time visual and auditory communications. | No reference found. |

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| ***Source: Code of Maryland Admin. Regs. Sec. 10.32.05.02*** |  |
| **Consent** | |
| Telehealth providers must inform patients and consultants of the following:   * The inability to have direct, physical contact with the patient is a primary difference between telehealth and direct in-person service delivery; * The knowledge, experiences, and qualifications of the consultant providing data and information to the provider of the telehealth services need not be completely known to and understood by the provider; * The quality of transmitted data may affect the quality of services provided by the provider; * That changes in the environment and test conditions could be impossible to make during delivery of telehealth services;   Telehealth services may not be provided by correspondence only.  ***Source: Code of MD Reg., 10.41.06.04 (2012).***  Except when providing interpretive services, the physician must obtain and document patient consent.  ***Source: Code of Maryland Admin. Regs. Sec. 10.32.05.06*** | Consent is required unless there is an emergency.  ***Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2014 Telemedicine Provider Manual. September 2014, p. 5 (Accessed Jul. 2015) & Code of Maryland Admin. Regs. Sec. 10.09.49.06.*** |
| **Location** | |
| No reference found. | Eligible originating sites:   * Free standing renal dialysis centers * Federally Qualified Health Centers * Hospitals, including EDs * Local health departments * Nursing facilities * Physicians * Nurse practitioners * Nurse midwives   Originating sites must be approved. MD hospitals will only be approved as originating sites if a specialist is not available to provide timely consultation and diagnostic evaluation.  ***Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2014 Telemedicine Provider Manual. September 2014, p. 4 (Accessed Jul. 2015).***  Distant site provider must be located within the State, the District of Columbia, or a contiguous state.  ***Source: Code of Maryland Admin. Regs. Sec. 10.09.49.07.*** |

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|  | **Mental Health**  Originating sites are limited to outpatient mental health clinics (OMHC), hospitals and FQHCS in designated rural geographic areas.  A distant site provider must be a psychiatrist with either a Medicaid provider number or is a psychiatrist in an FQHC or OMHC. The distant site must be in Maryland.  ***Source: MD Department of Health and Mental Hygiene, Maryland Value Options,*** [***Provider Alert. Telemental Health.***](https://mmcp.dhmh.maryland.gov/Documents/Telemental%20Health%20Info.pdf) ***July 12, 2011 p. 1-2. (Accessed Jul. 2015).*** |
| **Cross-State Licensing** | |
| MD has exceptions to its MD-only licensed physicians for physicians practicing in the adjoining states of Delaware, Virginia, West Virginia, and Pennsylvania.  ***Source: MD Health Occupations Code Annotated Sec. 14-302 (2012).***  A physician providing services through telemedicine must have a Maryland license if they are located in Maryland, or if the patient is in Maryland.  ***Source: COMAR 10.32.05.03*** | Originating site providers can engage in agreements with distant site providers in Maryland, the District of Columbia, or a contiguous state for telemedicine consultation services.  ***Source: MD Department of Health and Mental Hygiene,*** [***Maryland***](https://mmcp.dhmh.maryland.gov/Documents/2013_Telemedicine_Provider_Manual_100813.pdf)[***Medicaid 2014 Telemedicine Provider Manual.***](https://mmcp.dhmh.maryland.gov/Documents/2013_Telemedicine_Provider_Manual_100813.pdf) ***September 2014, p.***  ***4. (Accessed Jul. 2015).*** |
| **Private Payers** | |
| Requires coverage of telemedicine services, subject to contract terms and conditions.  ***Source: MD Insurance Code Annotated Sec. 15-139 (2012).*** | No reference found. |
| **Site/Transmission Fee** | |
| No reference found. | Originating sites are eligible for:   * A transaction fee; or * If the originating site is a hospital, the appropriate revenue code; and * If the originating site is an out-of-state hospital, a telemedicine transaction fee.   ***Source: MD Department of Health and Mental Hygiene,*** [***Maryland***](https://mmcp.dhmh.maryland.gov/Documents/2013_Telemedicine_Provider_Manual_100813.pdf)[***Medicaid 2014 Telemedicine Provider Manual.***](https://mmcp.dhmh.maryland.gov/Documents/2013_Telemedicine_Provider_Manual_100813.pdf) ***September 2014, p. 6 (Accessed Jul. 2015) & Code of Maryland Admin. Regs. Sec. 10.09.49.05.***  **Mental Health**  The originating site is eligible for a facility fee.  ***Source: MD Department of Health and Mental Hygiene, Maryland Value Options,*** [***Provider Alert. Telemental Health.***](https://mmcp.dhmh.maryland.gov/Documents/Telemental%20Health%20Info.pdf) ***July 12, 2011 p.***  ***4. (Accessed Jul. 2015).*** |
| **Miscellaneous** | |
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**Comments:** The Maryland Health Care Commission has a Telemedicine Task Force to study the use of telehealth throughout the State.