

Maryland

Medicaid Program: MD Medical Assistance Program

Program Administrator: MD Dept. of Social Services

Regional Telehealth Resource Center

Mid-Atlantic Telehealth Resource Center

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STATE LAW/REGULATIONS	MEDICAID PROGRAM
Definition of telemedicine/telehealth	
<p>“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.”</p> <p><i>Source: MD Health Occupations Annotated Sec. 2-101 (2012).</i></p> <p>Telemedicine means, as it relates to the delivery of health care services, the use of interactive audio, video, or other telecommunications or electronic technology:</p> <ol style="list-style-type: none"> 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. <p><i>Source: Health General Code 15-105.2.</i></p> <p>“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.”</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.32.05.02</i></p> <p>“Telehealth means the delivery of medically necessary services to a patient at an originating site by distant site provider, through the use of technology-assisted communication.”</p> <p>“Telemedicine means the delivery of medically necessary somatic services to a patient at an originating site by a distant site provider, through the use of technology-assisted communication.”</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.02.</i></p>	<p>“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.”</p> <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2014 Telemedicine Provider Manual. September 2014, p. 8. (Accessed Mar. 2016).</i></p>

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<p>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 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.</p> <p><i>Source: MD COMAR Sec. 30.08.12.</i></p>	
Live Video Reimbursement	
<p>Maryland law requires private insurers to provide coverage for telemedicine services (subject to terms and conditions of contract), which includes live video.</p> <p>(See "Private Payers" section).</p> <p><i>Source: MD Insurance Code Annotated Sec. 15-139 (2012).</i></p> <p>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.</p> <p><i>Source: Health General Code 15-105.2.</i></p> <p>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.</p> <p>Telemedicine providers must be part of a private practice, hospital or other health care system.</p> <ul style="list-style-type: none"> • Must be an agreement between a medical assistance-approved originating site provider and consulting provider. <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.03-04.</i></p> <p>Mental Health Eligible Services:</p> <ul style="list-style-type: none"> • Diagnostic interview; • Individual therapy • Family therapy • Outpatient evaluation and management • Outpatient office consultation • Initial inpatient consultation • Emergency department services <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.05.</i></p> <p>Patient must be authorized to receive behavioral health treatment services through the Public Behavioral Health</p>	<p>Reimbursement for telemedicine is required by Maryland Medical Assistance if the health care service is medically necessary and provided:</p> <ul style="list-style-type: none"> • For the treatment of cardiovascular disease or stroke; • In an emergency department setting; and • When an appropriate specialist is not available. <p><i>Source: MD Insurance Code Sec. 15-105.2</i></p> <p>The Maryland Medical Assistance Program will reimburse for medically necessary consultation services rendered by an approved consulting provider.</p> <p>Eligible Distant Site Providers:</p> <ul style="list-style-type: none"> • Free standing renal dialysis centers • Federally Qualified Health Centers • Hospitals, including EDs • Local health departments • Nursing facilities • Physicians • Nurse practitioners • Nurse midwives <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2014 Telemedicine Provider Manual. September 2014, p. 4-6.</i></p> <p>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.</p> <p><i>Source: Telemedicine Provider Information. MD Department of Health and Mental Hygiene. Oct. 1, 2014. (Accessed Mar. 2016).</i></p> <p>Managed Care MCOs shall provide coverage for medically necessary telemedicine services.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.67.31.</i></p>

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<p>System, except for behavioral health services provided in a hospital emergency department.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.05-06.</i></p> <p>Eligible Distant Site Providers:</p> <ul style="list-style-type: none"> • Nurse midwife • Nurse practitioner • Psychiatric nurse practitioner • Physician <p>Providers must apply to participate in the telehealth program and be approved. They also must have a written contingency plan when telemedicine is unavailable.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.07.</i></p> <p>The Department may not reimburse telemedicine services by an originating and distant site provider located in different facilities in the same hospital campus.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.11.</i></p> <p>The Department's contractor who operates the Maryland Public Behavioral Health System must reimburse for specialty mental health services when authorized by COMAR 10.09.49.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.06.</i></p>	<p><u>Mental Health</u></p> <p>Maryland Medicaid will reimburse for telemental health services.</p> <p>A distant site provider must be a psychiatrist with either a Medicaid provider number or is a psychiatrist in an FQHC or outpatient mental health clinics. The distant site must be in Maryland.</p> <p>Eligible services:</p> <ul style="list-style-type: none"> • Psychiatric diagnostic interview examination • Individual psychotherapy • Pharmacologic management <p>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.</p> <p>The originating site may bill for a "tele-presenter" if it is medically necessary.</p> <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Value Options, Provider Alert. Telemental Health. July 12, 2011 p. 2. (Accessed Mar. 2016).</i></p>
Store and Forward Reimbursement	
<p>No reimbursement based upon definition of "telemedicine" which describes telemedicine as "interactive".</p> <p><i>Source: MD Insurance Code Annotated Sec. 15-139 (2012).</i></p> <p>The department may provide reimbursement for services delivered through store and forward technology.</p> <p><i>Source: Health General Code 15-105.2.</i></p>	<p>Maryland Medicaid does not cover store and forward.</p> <p><i>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.</i></p>
Remote Patient Monitoring Reimbursement	
<p>The department may provide reimbursement for services delivered through remote patient monitoring technology.</p> <p><i>Source: Health General Code 15-105.2.</i></p>	<p>No reimbursement for home health monitoring services.</p> <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2014 Telemedicine Provider Manual. September 2014, p. 6 (Accessed Mar. 2016) & Code of Maryland Admin. Regs. Sec. 10.09.49.11.</i></p>
Email/Phone/FAX	
<p>No reimbursement for email. No reimbursement for telephone. No reimbursement for FAX.</p>	<p>No reimbursement for email. No reimbursement for telephone. No reimbursement for FAX.</p>

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<p><i>Source: MD Insurance Code Annotated Sec. 15-139 (2012) & Health General Code 15-105.2.</i></p> <p>Telehealth also does not include a telephone conversation, email or fax between providers without interaction between the distant site provider and patient.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.11.</i></p>	<p><i>Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2014 Telemedicine Provider Manual. September 2014, p. 6. (Accessed Mar. 2016) & Code of Maryland Admin. Regs. Sec. 10.09.49.11.</i></p>
Online Prescribing	
<p>A physician-patient relationship can be established through real time auditory communications or real-time visual and auditory communications.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.32.05.02</i></p>	No reference found.
Consent	
<p>Telehealth providers must inform patients and consultants of the following:</p> <ul style="list-style-type: none"> • 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; <p>Telehealth services may not be provided by correspondence only.</p> <p><i>Source: Code of MD Reg., 10.41.06.04 (2012).</i></p> <p>Except when providing interpretive services, the physician must obtain and document patient consent.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.32.05.06</i></p>	<p>Consent is required unless there is an emergency.</p> <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2014 Telemedicine Provider Manual. September 2014, p. 5 (Accessed Mar. 2016) & Code of Maryland Admin. Regs. Sec. 10.09.49.06.</i></p>
Location	
<p>Eligible originating sites (admin code):</p> <ul style="list-style-type: none"> • College or university student health or counseling office • Elementary, middle, high, or technical school with a supported nursing, counseling or medical office; • Local health department; • FQHC; • Hospital, including the emergency department; 	<p>Eligible originating sites:</p> <ul style="list-style-type: none"> • Free standing renal dialysis centers • Federally Qualified Health Centers • Hospitals, including EDs • Local health departments • Nursing facilities • Physicians • Nurse practitioners • Nurse midwives

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<ul style="list-style-type: none"> • Nursing facility; • The office of a physician, psychiatric nurse practitioner, nurse practitioner, or nurse midwife; • Outpatient mental health center; • Renal dialysis center; or • Residential crisis services site. <p>When patient is in a hospital emergency department, the professional fee for the distant site provider would be covered if the distant site provider is not the physician of record or the attending physician and the initial telehealth consultation is distinct from the care provided by the physician of record or the attending physician.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.05.</i></p> <p>Distant site provider must be located within the State, the District of Columbia, or a contiguous state.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.07.</i></p>	<p>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.</p> <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2014 Telemedicine Provider Manual. September 2014, p. 4 (Accessed Mar. 2016).</i></p> <p>Mental Health</p> <p>Originating sites are limited to outpatient mental health clinics (OMHC), hospitals and FQHCS in designated rural geographic areas.</p> <p>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.</p> <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Value Options, Provider Alert. Telemental Health. July 12, 2011 p. 1-2. (Accessed Mar. 2016).</i></p>
Cross-State Licensing	
<p>MD has exceptions to its MD-only licensed physicians for physicians practicing in the adjoining states of Delaware, Virginia, West Virginia, and Pennsylvania.</p> <p><i>Source: MD Health Occupations Code Annotated Sec. 14-302 (2012).</i></p> <p>A physician providing services through telemedicine must have a Maryland license if they are located in Maryland, or if the patient is in Maryland.</p> <p><i>Source: COMAR 10.32.05.03</i></p>	<p>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.</p> <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2014 Telemedicine Provider Manual. September 2014, p. 4. (Accessed Mar. 2016).</i></p>
Private Payers	
<p>Requires coverage of telemedicine services, subject to contract terms and conditions.</p> <p><i>Source: MD Insurance Code Annotated Sec. 15-139 (2012).</i></p>	<p>No reference found.</p>
Site/Transmission Fee	
<p>Originating sites are eligible for a transmission fee.</p> <p><i>Code of Maryland Admin. Regs. Sec. 10.09.49.05.</i></p>	<p>Originating sites are eligible for:</p> <ul style="list-style-type: none"> • 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. <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2014 Telemedicine Provider Manual. September 2014, p. 6 (Accessed Mar. 2016).</i></p> <p>Mental Health</p> <p>The originating site is eligible for a facility fee.</p>

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	<p><i>Source: MD Department of Health and Mental Hygiene, Maryland Value Options, Provider Alert. Telemental Health. July 12, 2011 p. 4. (Accessed Mar. 2016).</i></p>
Miscellaneous	
<p>Providers of health care services delivered through telemedicine must use video and audio transmission with less than a 300 millisecond delay. Other minimum technology requirements apply.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.08.</i></p> <p>Providers may not store at originating or distant site video images or audio portion of telemedicine services for future use.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.09.</i></p>	

Comments: The Maryland Health Care Commission has a Telemedicine Task Force to study the use of telehealth throughout the State.