

Maryland

Medicaid Program: MD Medical Assistance Program

Program Administrator: MD Dept. of Social Services

Regional Telehealth Resource Center

Mid-Atlantic Telehealth Resource Center

PO Box 800711

Charlottesville, VA 22908-0711

(434) 906-4960 / (855) MATRC4U

www.matrc.org

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>Telehealth means, as it relates to the delivery of health care services, 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 location other than the location of the patient. Telehealth does not include audio only telephone between a health care provider and a patient; an electronic mail message between a health care provider and a patient; or a facsimile transmission between a healthcare provider and patient.</p> <p><i>Source: MD Insurance Code 15-139.</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,</p>	<p>No reference found.</p>

STATE LAW/REGULATIONS	MEDICAID PROGRAM
<p>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>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 telehealth services, which includes live video.</p> <p><i>(See “Private Payers” section).</i></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>Primary care providers are required to qualify as eligible telemedicine providers.</p> <p>The Department may require providers to submit a registration form to include information required for the processing of telemedicine claims.</p> <p><i>Source: House Bill 1217 – 2016.</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>Maryland Medicaid provides a telehealth program that employs a “hub-and-spoke” model. Applies to fee for service and managed care.</p> <p>Communication must be in real time, and the participant must be at an originating site with a telepresenter.</p> <p>Covered Services - Somatic and behavioral health services: Providers must contact the participant’s healthchoice MCO or Beacon Health Option with questions regarding prior authorization requirements for telehealth services.</p> <p>Eligible distant site provider:</p> <ul style="list-style-type: none"> • Nurse midwife • Nurse practitioner • Psychiatric nurse practitioner • Physician; • A provider fluent in American Sign Language providing telehealth services to a deaf or hard of hearing participant; • A community-based substance use disorder provider; • An opioid treatment program; • An outpatient mental health center; or • A Federally Qualified Health Center

STATE LAW/REGULATIONS	MEDICAID PROGRAM
<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: Health General Code 15-105.2.</i></p> <p>The Department of Health and Mental Hygiene must adopt regulations related to the scope of benefits for telehealth services.</p> <p><i>Source: House Bill 1217 – 2016.</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>Eligible Distant Site Providers:</p> <ul style="list-style-type: none"> • Nurse midwife • Nurse practitioner • Psychiatric nurse practitioner • Physician or physician assistant • Provider fluent in American Sign Language providing telehealth services to a deaf or hard of hearing participant • Community-based substance use disorder provider • Opioid treatment program • Outpatient mental health center • FQHC <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>Telehealth providers must complete an online registration.</p> <p><i>Source: MD Medicaid Telehealth Program. Telehealth Provider Manual. Updated Mar 26, 2018. (Accessed May. 2018).</i></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>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>

STATE LAW/REGULATIONS	MEDICAID PROGRAM
<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>	
Store and Forward Reimbursement	
<p>No reimbursement based upon definition of “telehealth” 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 Medicaid Telehealth Program. Telehealth Provider Manual. Updated May 2, 2018. (Accessed May. 2018).</i></p> <p>MD Medicaid does not cover store and forward. However, dermatology, ophthalmology and radiology are excluded from definition of store and forward. They do reimburse for these services according to COMAR 10.09.02.07.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.10.</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 Medicaid Telehealth Program. Telehealth Provider Manual. Updated May 2, 2018. (Accessed May. 2018) & 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><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>No reimbursement for email. No reimbursement for telephone. No reimbursement for FAX.</p> <p>No reimbursement for email, phone or telephone conversations between providers.</p> <p><i>Source: MD Medicaid Telehealth Program. Telehealth Provider Manual. Updated May 2, 2018. (Accessed May. 2018) & 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>	<p>No reference found.</p>
Consent	
<p>Telehealth providers must inform patients and consultants of the following:</p>	<p>The originating site must obtain consent. If the participant is unable to provide consent, the medical record must contain in writing an explanation as to why the participant was unable to consent to telehealth services.</p>

STATE LAW/REGULATIONS	MEDICAID PROGRAM
<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><i>Source: MD Medicaid Telehealth Program. Telehealth Provider Manual. Updated May 2, 2018. Accessed May. 2018.</i></p> <p>Consent is required unless there is an emergency.</p> <p><i>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; • Community-based substance use disorder provider; • A deaf or hard of hearing participant's home or other secure location; • Elementary, middle, high, or technical school with a supported nursing, counseling or medical office; • Local health department; • FQHC; • Hospital, including the emergency department; • Nursing facility; • The office of a physician, psychiatric nurse practitioner, nurse practitioner, or nurse midwife; • An opioid treatment program; • 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>Distant site provider must be located within the State, the District of Columbia, or a contiguous state.</p>	<p>Eligible originating sites:</p> <ul style="list-style-type: none"> • College or university student health or counseling office • Community-based substance use disorder provider • Deaf or hard of hearing participant's home or any other secure location approved by the participant and provider • Elementary, middle, high or technical school with a supported nursing, counseling or medical office • Local health department • FQHC • Hospital, including emergency department • Nursing facility • Private office • Opioid treatment program • Outpatient mental health center • Renal dialysis center; or • Residential services site <p><i>Source: MD Medicaid Telehealth Program. Telehealth Provider Manual. Updated May 2, 2016. Accessed May. 2018.</i></p>

STATE LAW/REGULATIONS	MEDICAID PROGRAM
<p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.07.</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>No reference found.</p>
Private Payers	
<p>Requires coverage of telehealth services under a health insurance policy or contract for health care services appropriately delivered through telehealth.</p> <p>A health insurer can undertake utilization review, including preauthorization to determine the appropriateness of any health care service whether delivered in person or through telehealth if the appropriateness is determined in the same manner.</p> <p>Healthcare services appropriately delivered through telehealth shall include counseling and substance use disorders.</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. Fee set in COMAR 10.09.07D; or by the Health Services Cost Review Commission for sites located in regulated space.</p> <p>Services delivered must be clinically appropriate, as determined by the provider's licensure or credentialing board.</p> <p>Transmission fees paid to the originating site may be used to pay for: Line or per minute usage charges or both; and any additional programmatic, administrative, clinical or contingency support at the originating site.</p> <p><i>Code of Maryland Admin. Regs. Sec. 10.09.49.11.</i></p>	<p>Originating sites may bill for a transmission fee.</p> <p><i>Source: MD Medicaid Telehealth Program. Telehealth Provider Manual. Updated May 2, 2018. Accessed May. 2018.</i></p>
Miscellaneous	
<p>Providers of health care services delivered through telemedicine must use video and audio transmission</p>	<p>Technology requirements for providers:</p> <ul style="list-style-type: none"> • A camera with specific resolution, focus, and zoom capabilities

STATE LAW/REGULATIONS	MEDICAID PROGRAM
<p>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> <p>Telehealth can be used to meet network adequacy standards in medical and dental care.</p> <p><i>Source: MD House Bill 1318 – 2016, Code of Maryland Admin. Regs. Sec. 31.10.44, & Code of Maryland Admin. Regs. Sec. 31.10.45.</i></p> <p>On or before Oct. 1, 2016, the Department of Health and Mental Hygiene, in consultation with the Maryland Health Care Commission must submit a report to the Senate Finance Committee and House Health and Government Operations Committee assessing telehealth policies of select Medicaid programs in other states, including reimbursement for telehealth services provided in a home setting and detailed planned enhancements to the Maryland Medicaid telehealth program.</p> <p><i>Source: MD House Bill 886 – 2016.</i></p>	<ul style="list-style-type: none"> • Have display monitor sufficient in size • Bandwidth speed and image resolution sufficient to provide quality video • Audio equipment that ensures clear communication, unless engaging with a participant who is deaf or hard of hearing • Creates audio transmission with less than 300 millisecond delay • Secure and HIPAA compliant telehealth communication <p>Must ensure HIPAA compliance.</p> <p>Provider manual outlines various telehealth provider scenarios.</p> <p><i>Source: MD Medicaid Telehealth Program. Telehealth Provider Manual. Updated May 2, 2018. Accessed May. 2018.</i></p>

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

Professional Telehealth-Specific Regulations

- Teletherapy (*Source: SB 1106 – 2017, Health Occupations Code, Subtitle 9*)