

Maryland

Medicaid Program: MD Medicaid Assistance Program

Program Administrator: MD Dept. of Social Services

Regional Telehealth Resource Center: Mid-Atlantic Telehealth Resource Center www.matrc.org

Maryland Policy At-a-Glance

MEDICAID REIMBURSEMENT			PRIVATE PAYER LAW		PROFESSIONAL REQUIREMENTS	
LIVE VIDEO	STORE-AND-FORWARD	REMOTE PATIENT MONITORING	LAW EXISTS	PAYMENT PARITY	LICENSURE COMPACTS	CONSENT REQUIREMENT
✓	✓	✓	✓	✗	IMLC, NLC, PTC	✓

Maryland Detailed Policy

Medicaid Telehealth Reimbursement	Summary	<p>Maryland Medicaid covers live video telehealth conducted by specific providers and in specific originating sites. Although the Medicaid program does not reimburse for store-and-forward, dermatology, ophthalmology and radiology are excluded from the definition of store-and-forward. Maryland Medicaid does reimburse for remote patient monitoring for patients with certain chronic conditions and exhibiting certain risk factors.</p>
	Definitions	<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>Telemedicine does not include an audio-only conversation 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 a patient.</p> <p>Source: MD Health General Code 15-105.2. (Accessed Sept. 2020).</p> <p>“Telehealth means the delivery of medically necessary somatic or behavioral health services to a patient at an originating site by distant site provider, through the use of technology-assisted communication.”</p> <p>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.02. (Accessed Sept. 2020).</p>
	Live Video	Policy



To the extent authorized by federal law or regulation, the provisions of § 15-139(c) through (f) (see reference above) of the Insurance Article relating to coverage of and reimbursement for health care services delivered through telemedicine shall apply to the Program and managed care organizations in the same manner they apply to carriers.

The Department may require providers to submit a registration form to include information required for the processing of telehealth claims.

Source: MD General Health Code Sec. 15-105.2 (Accessed Sept. 2020).

Managed Care

MCOs shall provide coverage for medically necessary telemedicine services.

Source: Code of Maryland Admin. Regs. Sec. 10.67.06.31. (Accessed Sept. 2020).

Maryland Medicaid provides a telehealth program that employs a “hub-and-spoke” model. This model involves real-time interactive communication between the originating and distant sites via a secure, two-way audiovisual telecommunication system. The “telepresenter,” physically located at the originating site with the participant, facilitates the telehealth communication between the participant and distant site provider by arranging, moving, or operating the telehealth equipment.

Source: MD Medicaid Telehealth Program. Telehealth Program Manual, p. 1. Updated April 2020. (Accessed Sept. 2020).

Mental Health

The Department shall grant approval to a telemental health provider to be eligible to receive State or federal funds for providing interactive telemental health services if the provider meets requirements of this chapter and for outpatient mental health centers; or if the telemental health provider is an individual psychiatrist.

Source: Code of Maryland Admin. Regs. Sec. 10.21.30.03. (Accessed Sept. 2020).

Covered Services - Somatic and behavioral health services: Providers must contact the participant’s Healthchoice MCO or behavioral health ASO with questions regarding prior authorization requirements for telehealth services.

Source: : MD Medicaid Telehealth Program. Telehealth Program Manual, p. 2. Updated April 2020. (Accessed Sept. 2020).

The Department, under the Telehealth Program, covers medically necessary services covered by the Maryland Medical Assistance Program rendered by a distant site provider that are:

- Distinct from services provided by the originating site provider;
- Able to be delivered using technology-assisted communication; and
- Clinically appropriate to be delivered via telehealth;

Services must be provided via telehealth to the same extent and standard of care as services provided in person; and as determined by the providers licensure or credentialing board, services performed via telehealth must be within the scope of a provider’s practice.

Source: Code of Maryland Admin. Regs. Sec. 10.09.49.04. (Accessed Sept. 2020).

Services should be billed with the GT modifier.

Source: Code of Maryland Admin. Regs. Sec. 10.09.49.10. (Accessed Sept. 2020).

Mental Health Eligible Services:

- Diagnostic interview;
- Individual therapy
- Family therapy
- Group therapy, up to 8 individuals
- Outpatient evaluation and management
- Outpatient office consultation
- Initial inpatient consultation
- Emergency department services

Source: Code of Maryland Admin. Regs. Sec. 10.21.30.09. (Accessed Sept. 2020).



Newly Passed Legislation (Effective Immediately)

Subject to the limitations of the State budget, the medical assistance program shall provide mental health services appropriately delivered through telehealth to a patient in the patient’s home setting.

Source: MD General Health Code Sec.15.103 (HB 1208 & SB 502 - 2020 Session). (Accessed Sept. 2020).

Newly Passed Legislation (Effective Immediately, expires June 30, 2025)

On or before Dec. 1, 2020, the Department shall apply to the Centers for Medicare and Medicaid Services for an amendment to any of the state’s 1115 waivers necessary to implement a pilot program to provide services to program recipients regardless of the program recipient’s location at the time telehealth services are provided. Chronic condition case management services will be available through the pilot. The Department shall collect outcomes data on recipients of telehealth services under the pilot program to evaluate the effectiveness of the pilot program and submit a report to the Department on or before Dec. 1, 2020 and every 6 months after that.

Source: MD General Health Code Sec.15.141.2 (HB 1208 & 502-2020 Session). (Accessed Sept. 2020).

Expires in three years at the end of September 30, 2021

The Department may specify by regulation the types of health care providers eligible to receive reimbursement for health care services. If the Department specifies by regulation the types of health care providers eligible to receive reimbursement, the types of health care providers shall include:

- Primary care providers; and
- Psychiatrists, and psychiatric nurse practitioners who are providing assertive community treatment or mobile treatment services to program recipients located in a home or community-based setting.

The health services provided by a psychiatrist or a psychiatric nurse practitioner must be equivalent to the same health care service when provided through in-person consultation.

* Effective Sept. 30, 2021, psychiatrists and nurse practitioners are removed from the eligible health care provider list above.

Source: MD General Health Code Sec. 15-105.2(b)(4)(ii). (Accessed Sept. 2020).

Effective October 7, 2019, all distant site providers enrolled in Maryland Medicaid may provide services via telehealth as long as telehealth is a permitted delivery model within the rendering provider’s scope of practice. Providers should consult their licensing board prior to rendering services via telehealth.

Telehealth providers must be enrolled in the Maryland Medical Assistance Program before rendering services via telehealth.

Only providers who are HIPAA compliant and meet Technical Requirements may bill for services rendered via telehealth.

Source: MD Medicaid Telehealth Program. Telehealth Provider Manual, p. 1-3. Updated April 2020. (Accessed Sept. 2020).

Distant Site Providers may render services via telehealth within the provider’s scope of practice.

Source: Code of Maryland Admin. Regs. Sec. 10.09.49.06. (Accessed Sept. 2020).

Distant site providers may use secure space/areas in the provider’s home to engage in telehealth. Telehealth providers must meet the minimum requirements for privacy as well as the minimum requirements for technology.



Eligible Providers

Other permitted places of service from where to deliver services via telehealth include: school, office, inpatient hospital, outpatient hospital, emergency room, nursing facility, independent clinic, Federally Qualified Health Center (FQHC), community mental health center, non-residential substance abuse treatment facility, end-stage renal disease treatment facility, public health clinic.

Source: MD Medicaid Telehealth Program FAQs. p. 1, Updated April 2020. (Accessed Sept. 2020).

Mental Health

Eligible Providers:

- Outpatient mental health centers
- Telemental health providers who are individual psychiatrists.

Telemental health providers may be private practice, part of a hospital, academic, health or mental health care system. Public Mental Health System (PMHS) approved community-based providers or individual practitioners may engage in agreements with TMH providers for services. Fee-for-service reimbursement shall be at an enhanced rate, as stipulated by the Department, provided all applicable provisions of this chapter are met and funds are available.

Source: Code of Maryland Admin. Regs. Sec. 10.21.30.03 & Sec. 10.21.30.04. (Accessed Sept. 2020).

Eligible Sites

Eligible originating sites:

- 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 of a physician, physician assistant, psychiatric nurse practitioner, nurse practitioner, or nurse midwife
- Opioid treatment program
- Outpatient mental health center
- Renal dialysis center; or
- Residential crisis services site

Source: MD Medicaid Telehealth Program. Telehealth Provider Manual, p. 2. Updated April 2020. & Code of Maryland Admin. Regs. Sec. 10.09.49.06. (Accessed Sept. 2020).

A school may still serve as the originating site for a telehealth interaction if the service is performed outside of an SBHC with an FQHC or local health department sponsor.

Schools are permitted to act as originating sites under Medicaid telehealth Program regulations. All distant site providers enrolled in Maryland Medicaid may provide services via telehealth as long as telehealth is a permitted delivery model within the rendering provider’s scope of practice. Providers should consult their licensing board prior to rendering services via telehealth.

Source: MD Medicaid Telehealth Program FAQs. p. 1-2, Updated April 2020 & School-based Health Center Provider Manual, p. 23, Revised Sept. 14, 2020. (Accessed Sept. 2020).

Newly Passed Legislation (Effective Immediately)

Subject to the limitations of the State budget, the medical assistance program shall provide mental health services appropriately delivered through telehealth to a patient in the patient’s home setting.

Source: MD General Health Code Sec.15.103 (HB 1208 & SB 502 - 2020 Session). (Accessed Sept. 2020).



Medicaid Telehealth Reimbursement

Live Video	Eligible Sites	<p>Mental Health Eligible Originating Sites:</p> <ul style="list-style-type: none"> • County government offices appropriate for private clinical evaluation services; • Critical Access Hospital; • Federally Qualified Health Center; • Hospital; • Outpatient mental health center; • Physician's office; • Rural Health Clinic; • Elementary, middle, high, or technical school with a supported nursing, counseling or medical office; or • College or university student health or counseling office. <p>Source: Code of Maryland Admin. Regs. Sec. 10.21.30.05. (Accessed Sept. 2020).</p>
	Geographic Limits	<p>The Telehealth Program serves Medicaid participants regardless of geographic location within Maryland.</p> <p>Source: MD Medicaid Telehealth Program. Telehealth Provider Manual. p. 1, Updated April 2020. (Accessed Sept. 2020).</p> <p>Mental Health To be eligible a beneficiary must reside in one of the designated rural geographic areas or whose situation makes person-to-person psychiatric services unavailable.</p> <p>Source: Code of Maryland Admin. Regs. Sec. 10.21.30.05. (Accessed Sept. 2020).</p>
	Facility/Transmission Fee	<p>Hospital Billing Instructions Facility charges related to the use of telemedicine services. This revenue code is payable for dates of service 10/1/13 forward.</p> <p>Source: Maryland Dept. of Health Medical Assistance, UB04 Hospital Billing Instructions, 4/23/2020, p. 93. (Accessed Sept. 2020).</p>
Store-and-Forward	Policy	<p>The department may provide reimbursement for services delivered through store-and-forward technology.</p> <p>Source: Health General Code 15-105.2. (Accessed Sept. 2020).</p> <p>Maryland Medicaid does not cover store-and-forward, however dermatology, ophthalmology and radiology are covered under Physician services of COMAR.</p> <p>Source: MD Medicaid Telehealth Program. Telehealth Provider Manual. p. 4, Updated April 2020. (Accessed Sept. 2020).</p>
	Eligible Services/Specialties	<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>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.09. (Accessed Sept. 2020).</p>



Medicaid Telehealth Reimbursement

Store-and-Forward	Geographic Limits	No reference found.
	Transmission Fee	No reference found.
Remote Patient Monitoring	Policy	<p>The department may provide reimbursement for services delivered through remote patient monitoring technology.</p> <p>Source: Health General Code 15-105.2. (Accessed Sept. 2020).</p> <p>MD Medicaid reimburses for remote patient monitoring for certain chronic conditions. Preauthorization requirements apply.</p> <p>Source: Remote Patient Monitoring. MD Department of Health. (Accessed Sept. 2020).</p> <p>No reimbursement for home health monitoring services under telehealth manual.</p> <p>Source: MD Medicaid Telehealth Program. Telehealth Provider Manual. Updated April 2020. p. 3. (Accessed Sept. 2020).</p>
	Conditions	<p>Medicaid recipients diagnosed with one of the following conditions qualify:</p> <ul style="list-style-type: none"> • Chronic Obstructive Pulmonary Disease • Congestive Heart Failure • Diabetes (Type 1 or 2) <p>The participant must be enrolled in Medicaid, consent to RPM, have an internet connect and capability to use monitoring tools and have one of the following scenarios within the most recent 12-month period:</p> <ul style="list-style-type: none"> • Two hospital admissions with the same qualifying medical condition as the primary diagnosis • Two emergency room department visits with the same qualifying medical condition as the primary diagnosis • One hospital admission and one emergency department visit with the same qualifying medical condition as the primary diagnosis. <p>Source: MD Home Health Transmittal No. 64. Jan. 10, 2018. (Accessed Sept. 2020).</p>
	Provider Limitations	<p>Eligible Providers:</p> <ul style="list-style-type: none"> • Home Health Agencies • Hospitals • Clinics • Federally Qualified Health Centers • Managed Care Organizations • Health Professionals (Physicians, Nurses, Physician Assistants) <p>Source: Remote Patient Monitoring. MD Department of Health. (Accessed Sept. 2020).</p>



Medicaid Telehealth Reimbursement

Remote Patient Monitoring	Other Restrictions	<p>Preauthorization required.</p> <p>The RPM reimbursement rate is an all-inclusive rate of \$125 per 30 days of monitoring which covers equipment installation, participant education for using the equipment, and daily monitoring of the information transmitted for abnormal data measurements.</p> <p>Reimbursement does not include RPM equipment, upgrades to RPM equipment or internet service for participants.</p> <p>Source: MD Home Health Transmittal No. 64. Jan. 10, 2018. (Accessed Sept. 2020).</p>
Email / Phone / Fax	<p>No reimbursement for email. No reimbursement for telephone. No reimbursement for FAX.</p> <p>No reimbursement for telephone conversation, electronic mail message or facsimile transmission between the originating and distant site providers. There is also no reimbursement for telecommunication between providers without the participant present.</p> <p>Source: MD Medicaid Telehealth Program. Telehealth Provider Manual. Updated April 2020. p. 4. (Accessed Sept. 2020).</p>	
Consent	<p>The originating site must obtain consent from the patient prior to engaging in telehealth and be documented in the medical record. 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 services rendered via telehealth.</p> <p>Source: MD Medicaid Telehealth Program. Telehealth Provider Manual. Updated April 2020. p. 1. (Accessed Sept. 2020).</p> <p>Consent is required unless there is an emergency.</p> <p>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.05. (Accessed Sept. 2020).</p> <p>Mental Health An individual must voluntarily consent to telemental health services, which must be documented in the individual's medical record.</p> <p>Source: Code of Maryland Admin. Regs. Sec. 10.21.30.05. (Accessed Sept. 2020).</p>	
Out of State Providers	<p>If you are rendering services via telehealth with a participant located in Maryland, then you are considered to be practicing in Maryland; therefore, you must be licensed in Maryland and are subject to your professional board's licensure requirements.</p> <p>It is your responsibility to ensure that you meet the Board licensure requirements. This includes consulting with the professional board in the state where the patient physically is located as well as where the provider is physically located. Failure to comply with licensure requirements involving services delivered via telehealth will likely have implications beyond Maryland Medicaid's telehealth purview.</p> <p>Source: MD Medicaid Telehealth Program FAQs. p. 2, Updated April 2020. (Accessed Sept. 2020).</p>	



Newly Passed Legislation (Now Effective, Expires June 30, 2020)

The Maryland Department of Health shall study whether, under the Maryland Medical Assistance Program, substance use disorder services may be appropriately provided through telehealth to a patient in the patient’s home setting. On or before December 1, 2021, the Maryland Department of Health shall submit a report to the General Assembly that includes findings and recommendations.

Source: *HB 1208 & 502 (2020 Session). (Accessed Sept. 2020).*

Technology requirements for providers:

- A camera that has the ability to manually, or under remote control, provider multiple views of a patient with the capability of altering the resolution, focus, and zoom requirements according to the consultation;
- Have display monitor size sufficient to support diagnostic needs used in the service via telehealth;
- Bandwidth speed and image resolution sufficient to provide quality video to meet a minimum of 15 frames per second, or higher, as industry standards change;
- Unless engaging in a telehealth communication with a participant who is deaf or hard of hearing, audio equipment that ensures clear communication and includes echo cancellation;
- Creates audio transmission with less than 300 millisecond delay;
- Secure and HIPAA compliant telehealth communication;

A dedicated connection that provides bandwidth only for telehealth communications is preferable for services delivered via telehealth.

All tech staff must be trained in telehealth technology use and HIPAA compliance.

Provider manual outlines various telehealth provider scenarios.

Source: *MD Medicaid Telehealth Program. Telehealth Provider Manual. Updated April 2020. p. 3 & 7-8. (Accessed Sept. 2020).*

Providers of health care services delivered through telehealth must use video and audio transmission with less than a 300 millisecond delay. Other minimum technology requirements apply.

Source: *Code of Maryland Admin. Regs. Sec. 10.09.49.07. (Accessed Sept. 2020).*

Providers may not store at originating or distant site video images or audio portion of telemedicine services for future use.

Source: *Code of Maryland Admin. Regs. Sec. 10.09.49.08. (Accessed Sept. 2020).*

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 conversation 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.

Telehealth includes the delivery of mental health care services to a patient in the patient’s home setting.

Source: *MD Insurance Code 15-139 & HB 1208 & 502 (2020 Session). (Accessed Sept. 2020).*



Private Payer Laws	Requirements	<p>Insurers must provide coverage under a health insurance policy for health care services appropriately delivered through telehealth and may not exclude coverage solely because it is provided through telehealth and not in-person. The health care services appropriately provided through telehealth must include counseling for substance use disorder.</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>A health insurance policy or contract may not distinguish between patients in rural or urban locations in providing coverage under the policy or contract for health care services delivered through telehealth.</p> <p>Source: MD Insurance Code Annotated Sec. 15-139. (Accessed Sept. 2020).</p>	
	Parity	Service Parity	<p>Insurers must reimburse a health care provider for the diagnosis, consultation and treatment of an insured patient that can be appropriately provided through telehealth. Insurers may not exclude from coverage a health care service solely because it is provided through telehealth and is not provided through an in-person consultation or contact between a health care provider and a patient.</p> <p>Source: MD Insurance Code Annotated Sec. 15-139(c)(1). (Accessed Sept. 2020).</p>
		Payment Parity	<p>No explicit payment parity.</p>
Professional Regulation/Health & Safety	Definitions	<p>Newly Passed Legislation (Now Effective) Telehealth means a mode of delivering health care services through the use of telecommunications technologies by a health care practitioner to a patient at a different physical location than the health care practitioner. Telehealth includes synchronous and asynchronous interactions. Telehealth does not include the provision of health care services solely through audio-only calls, e-mail messages or facsimile transmissions.</p> <p>Source: HB 228 & SB 402 (2020 Session). (Accessed Sept. 2020).</p> <p>Audiologists, Hearing Aid Dispensers and Speech Language Pathologists “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 hardware or Internet connection.”</p> <p>Source: MD Health Occupations Annotated Sec. 2-101(u). (Accessed Sept. 2020).</p> <p>Board of Physicians: “Telehealth” means the use of interactive audio, video, audio-visual, or other telecommunications or electronic technology by a Maryland licensed physician or licensed allied health practitioner to deliver clinical services within the scope of practice of the Maryland licensed physician or licensed allied health practitioner at a location other than the location of the patient. “Telehealth” does not include (i) An audio-only telephone conversation between a Maryland licensed physician or licensed allied health practitioner and a patient; (ii) An electronic mail message between a Maryland licensed physician or licensed allied health practitioner and a patient; or (iii) A facsimile transmission between a Maryland licensed physician or licensed allied health practitioner and a patient.</p> <p>Source: Code of Maryland Admin. Regs. Sec. 10.32.05.02. (Accessed Sept. 2020).</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.

Source: Code of Maryland Admin. Regs. Sec. 30.08.12.01. (Accessed Sept. 2020).

Board of Professional Counselors and Therapists

“Teletherapy” means the use of interactive audio, video, or other telecommunications or electronic media by a counselor or therapist to deliver counseling services:

- Within the scope of practice of the counselor or therapist; and
- At a location other than the location of the client;

“Teletherapy” does not include:

- An audio-only telephone conversation between a counselor or therapist and a client;
- An electronic mail message between a counselor or therapist and a client;
- A facsimile transmission between a counselor or therapist and a client; or
- A text message or other type of message sent between a counselor or therapist and a client by a short message service or multimedia messaging service.

Source: Code of Maryland Admin. Regs. Sec. 10.58.06.02. (Accessed Sept. 2020).

Board of Examiners or Psychologists

“Telepsychology” means the use of interactive audio, video, or other telecommunications or electronic media by a psychologist or psychology associate who engages in the practice of psychology at a location other than the location of the client.

“Telepsychology” does not include:

- An audio-only telephone conversation between a psychologist or psychology associate and a client;
- An electronic mail message between a psychologist or psychology associate and a client;
- A facsimile transmission between a psychologist or psychology associate and a client; or
- A text message or other type of message sent between a psychologist or psychology associate and a client by a short message service or multimedia messaging service.

Source: Code of Maryland Admin. Regs. Sec. 10.36.10.02. (Accessed Sept. 2020).

Board of Nursing

“Teletherapy” means the delivery of behavioral health services by a CRNP/PMH or a PMH/APRN at a location other than the location of the client through the use of synchronous interactive audio, video, audio-visual, or other telecommunications or electronic technology.

“Teletherapy” does not include:

- An audio-only telephone conversation between the CRNP/PMH or PMH/APRN and a client;
- An electronic mail message between a CRNP/PMH or PMH/ APRN and a client; or
- A facsimile transmission between a CRNP/PMH or PMH/APRN and a client.

Source: Code of Maryland Admin. Regs. Sec. 10.27.17.02. (Accessed Sept. 2020).



Newly Passed Legislation (Now Effective)

Health care practitioners must obtain oral or written consent from the patient or from the patient's parent or guardian.

Source: *HB 228 & SB 402 (2020 Session). (Accessed Sept. 2020).*

Board of Examiners for Audiologists, Hearing Aid Dispensers and Speech Language Pathologists

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 Maryland Admin. Regs. Sec. 10.41.06.04. (Accessed Sept. 2020).*

Newly Passed Legislation (Now Effective)

A health care practitioner may establish a practitioner-patient relationship through either a synchronous telehealth interaction or an asynchronous telehealth interaction, if the health care practitioner:

- Verifies the identity of the patient receiving health care services through telehealth;
- Discloses to the patient the health care practitioner's name, contact information, and type of health occupation license held by the health care practitioner; and
- Obtains oral or written consent from the patient or from the patient's parent or guardian.

A health care practitioner shall perform a clinical evaluation that is appropriate for the patient and the condition with which the patient presents before providing treatment or issuing a prescription through telehealth. Synchronous or asynchronous telehealth interaction may be used for the clinical evaluation.

A health care practitioner may not prescribe a Schedule II controlled substance that is an opiate for the treatment of pain through telehealth unless:

- The individual receiving the prescription is a patient in a health care facility; or
- The governor has declared a state of emergency due to a catastrophic health emergency

A health care practitioner who prescribes a controlled substance through telehealth is subject to federal and state prescribing laws.

Source: *HB 228 & SB 402 (2020 Session). (Accessed Sept. 2020).*

Before performing telehealth services, a telehealth practitioner shall develop and follow a procedure to:

- Verify the identification of the patient receiving telehealth services;
- Except for interpretive services, obtain oral or written acknowledgement from a patient or person in interest as defined by Health-General Article, §4-301(m), Annotated Code of Maryland, to perform telehealth services;
- Prevent access to data by unauthorized persons through encryption or other means;
- Notify patients in the event of a data breach;
- Ensure that the telehealth practitioner provides a secure and private telehealth connection that complies with federal and state privacy laws; and
- Establish safety protocols to be used in the case of an emergency.

See rule for additional requirements when the service is not an asynchronous telehealth service.

Source: *Code of Maryland Admin. Regs. Sec. 10.32.05.04. (Accessed Sept. 2020).*



A telehealth practitioner shall perform a synchronous, audio-visual patient evaluation adequate to establish diagnoses and identify underlying conditions or contraindications to recommended treatment options before providing treatment or prescribing medication. A telehealth practitioner may use surrogate examiner; or a patient evaluation performed by another licensed health care practitioner providing coverage.

Source: Code of Maryland Admin. Regs. Sec. 10.32.05.05. (Accessed Sept. 2020).

A telehealth practitioner may not treat a patient or prescribe medication based solely on an online questionnaire.

A telehealth practitioner may not prescribe opioids for the treatment of pain through telehealth except if the patient is in a health care facility as defined in Health-General Article, §19-114(d)(1), Annotated Code of Maryland.

Source: Code of Maryland Admin. Regs. Sec. 10.32.05.06. (Accessed Sept. 2020).

Newly Passed Legislation (Now Effective)

A health care practitioner providing health care services through telehealth must be licensed, certified or otherwise authorized by law to provide health care services in the state if the health care services are being provided to a patient located in the state.

Member of the Interstate Medical Licensure Compact.

Source: Interstate Medical Licensure Compact. The IMLC. SB 234 (2018). (Accessed Sept. 2020).

Member of Nurse Licensure Compact.

Source: Nurse Licensure Compact. Current NLC States and Status. NCSBN. (Accessed Sept. 2020).

Member of Physical Therapy Compact.

Source: PT Compact. Compact Map. (Accessed Sept. 2020).

MD has exceptions to its MD-only licensed physicians for physicians practicing in the adjoining states of Delaware, Virginia, West Virginia, and Pennsylvania if the physician does not have an office or other regularly appointed place in the State to meet patients and the same privileges are extended to licensed physicians in Maryland by the adjoining state.

Source: MD Health Occupations Code Annotated Sec. 14-302 (2012). (Accessed Sept. 2020).

A telehealth practitioner may practice telehealth if one or both of the following occurs:

- The individual practicing telehealth is physically located in Maryland; or
- The patient is in Maryland.

Source: Code of Maryland Admin. Regs. Sec. 10.32.05.03. (Accessed Sept. 2020).

Professional Telehealth-Specific Regulations

- Board of Examiners for Audiologists, Hearing Aid Dispensers and Speech Language Pathologists (**Source:** Code of Maryland Admin. Regs. Sec. 10.41.06). (Accessed Sept. 2020).
- Board of Physicians (**Source:** Code of Maryland Admin. Regs. Sec. 10.32.05). (Accessed Sept. 2020).
- Board of Examiners of Psychologists (**Source:** Code of Maryland Admin. Regs. Sec. 10.36.10.02). (Accessed Sept. 2020).
- Board of Nursing (**Source:** Code of Maryland Admin. Regs. Sec. 10.27.17). (Accessed Sept. 2020).
- Board of Professional Counselors and Therapists (**Source:** Code of Maryland Admin Regs, Sec. 10.58.06). (Accessed Sept. 2020).
- Board of Social Work (**Source:** Code of Maryland Admin. Regs. Sec. 10.42.10). (Accessed Sept. 2020).

Statute specifies that a health occupations board may adopt regulations related to telehealth, however they may not establish a separate standard of care for telehealth; and must allow for the establishment of a practitioner-patient relationship through synchronous or asynchronous telehealth interaction provided by a health care practitioner who is complying with their standard of care.

Source: HB 228 & SB 402 (2020 Session). (Accessed Sept. 2020).

