

HOUSE BILL 191

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(PRE-FILED)

11r0410
CF SB 56

By: **Delegate Kelly**

Requested: September 8, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Psychiatrist and Psychiatric Nurse**
3 **Practitioner Telemedicine Reimbursement – Sunset Termination**

4 FOR the purpose of repealing the termination provisions for certain provisions of law
5 relating to the eligibility of psychiatrists and psychiatric nurse practitioners who
6 provide Assertive Community Treatment or mobile treatment services to Maryland
7 Medical Assistance Program recipients in a home or community-based setting
8 through telemedicine to receive reimbursement for the health care services from the
9 Program; and generally relating to reimbursement under the Maryland Medical
10 Assistance Program for telemedicine provided by psychiatrists and psychiatric nurse
11 practitioners.

12 BY repealing and reenacting, without amendments,
13 Article – Health – General
14 Section 15–105.2
15 Annotated Code of Maryland
16 (2019 Replacement Volume and 2020 Supplement)

17 BY repealing and reenacting, with amendments,
18 Chapter 691 of the Acts of the General Assembly of 2018, as amended by Chapters
19 479 and 480 of the Acts of the General Assembly of 2019
20 Section 3

21 BY repealing and reenacting, with amendments,
22 Chapter 479 of the Acts of the General Assembly of 2019
23 Section 3

24 BY repealing and reenacting, with amendments,
25 Chapter 480 of the Acts of the General Assembly of 2019
26 Section 3

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Health – General**

4 15–105.2.

5 (a) The Program shall reimburse health care providers in accordance with the
6 requirements of Title 19, Subtitle 1, Part IV of this article.

7 (b) (1) (i) In this subsection the following words have the meanings
8 indicated.

9 (ii) “Health care provider” means a person who is licensed, certified,
10 or otherwise authorized under the Health Occupations Article to provide health care in the
11 ordinary course of business or practice of a profession or in an approved education or
12 training program.

13 (iii) 1. “Telemedicine” means, as it relates to the delivery of
14 health care services, the use of interactive audio, video, or other telecommunications or
15 electronic technology:

16 A. By a health care provider to deliver a health care service
17 that is within the scope of practice of the health care provider at a site other than the site
18 at which the patient is located; and

19 B. That enables the patient to see and interact with the
20 health care provider at the time the health care service is provided to the patient.

21 2. “Telemedicine” does not include:

22 A. An audio–only telephone conversation between a health
23 care provider and a patient;

24 B. An electronic mail message between a health care provider
25 and a patient; or

26 C. A facsimile transmission between a health care provider
27 and a patient.

28 (2) To the extent authorized by federal law or regulation, the provisions of
29 § 15–139(c) through (f) of the Insurance Article relating to coverage of and reimbursement
30 for health care services delivered through telemedicine shall apply to the Program and
31 managed care organizations in the same manner they apply to carriers.

32 (3) Subject to the limitations of the State budget and to the extent

1 authorized by federal law or regulation, the Department may authorize coverage of and
2 reimbursement for health care services that are delivered through store and forward
3 technology or remote patient monitoring.

4 (4) (i) The Department may specify by regulation the types of health
5 care providers eligible to receive reimbursement for health care services provided to
6 Program recipients under this subsection.

7 (ii) If the Department specifies by regulation the types of health care
8 providers eligible to receive reimbursement for health care services provided to Program
9 recipients under this subsection, the types of health care providers specified shall include:

10 1. Primary care providers; and

11 2. Psychiatrists and psychiatric nurse practitioners, as
12 defined in § 10–601 of this article, who are providing Assertive Community Treatment or
13 mobile treatment services to Program recipients located in a home or community–based
14 setting.

15 (iii) For the purpose of reimbursement and any fidelity standards
16 established by the Department, a health care service provided through telemedicine by a
17 psychiatrist or a psychiatric nurse practitioner described under subparagraph (ii)2 of this
18 paragraph is equivalent to the same health care service when provided through an
19 in–person consultation.

20 (5) The Department may require a health care provider to submit a
21 registration form to the Department that includes information required for the processing
22 of claims for reimbursement for health care services provided to Program recipients under
23 this subsection.

24 (6) The Department shall adopt regulations to carry out this subsection.

25 **Chapter 691 of the Acts of 2018, as amended by Chapters 479 and 480 of the Acts**
26 **of 2019**

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2018. [It shall remain effective for a period of 3 years and, at the end of
29 September 30, 2021, this Act, with no further action required by the General Assembly,
30 shall be abrogated and of no further force and effect.]

31 **Chapter 479 of the Acts of 2019**

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2019. [It shall remain effective until the taking effect of the termination
34 provision specified in Section 3 of Chapter 691 of the Acts of the General Assembly of 2018.
35 If that termination provision takes effect, this Act, with no further action required by the
36 General Assembly, shall be abrogated and of no further force and effect. This Act may not

1 be interpreted to have any effect on that termination provision.]

2 **Chapter 480 of the Acts of 2019**

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2019. [It shall remain effective until the taking effect of the termination
5 provision specified in Section 3 of Chapter 691 of the Acts of the General Assembly of 2018.
6 If that termination provision takes effect, this Act, with no further action required by the
7 General Assembly, shall be abrogated and of no further force and effect. This Act may not
8 be interpreted to have any effect on that termination provision.]

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2021.