

SENATE BILL 582

J1, J3

3lr0460
CF HB 1148

By: **Senator Augustine**

Introduced and read first time: February 6, 2023

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2023

CHAPTER _____

1 AN ACT concerning

2 **Behavioral Health Care – Treatment and Access**
3 **(Behavioral Health Model for Maryland)**

4 FOR the purpose of establishing the Commission on Behavioral Health Care Treatment
5 and Access to make recommendations to provide appropriate, accessible, and
6 comprehensive behavioral health services that are available on demand to
7 individuals in the State across the behavioral health continuum ~~that are available~~
8 ~~on demand~~; establishing the Behavioral Health Care Coordination Value-Based
9 Purchasing Pilot Program in the Maryland Department of Health to establish and
10 implement an intensive care coordination model using value-based purchasing in
11 the specialty behavioral health system; requiring, ~~on or before a certain date~~, the
12 Department to ~~submit a State plan amendment to the Centers for Medicare and~~
13 ~~Medicaid Services to establish certified community behavioral health clinics~~ apply
14 for certain federal planning grant funds; requiring the Department to apply to
15 participate in a certain demonstration program; extending to a certain date the
16 inclusion of certain audio-only telephone conversations in the definition of
17 “telehealth” in the Maryland Medical Assistance Program and certain requirements
18 related to the provision of reimbursement for health care services appropriately
19 provided through telehealth by the Program and certain insurers, nonprofit health
20 service plans, and health maintenance organizations; requiring the Maryland
21 Health Care Commission to study and make recommendations regarding the
22 delivery of health care services through telehealth, including payment parity for the
23 delivery of health care services through audiovisual and audio-only telehealth
24 technologies; and generally relating to behavioral health care treatment and access.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
 2 Article – Health – General
 3 Section 13–4801 through 13–4807 to be under the new subtitle “Subtitle 48.
 4 Commission on Behavioral Health Care Treatment and Access”; and 13–4901
 5 through 13–4907 to be under the new subtitle “Subtitle 49. Behavioral Health
 6 Care Coordination Value–Based Purchasing Pilot Program”; ~~and 15–141.5~~
 7 Annotated Code of Maryland
 8 (2019 Replacement Volume and 2022 Supplement)

9 BY repealing and reenacting, with amendments,
 10 Article – Health – General
 11 Section 15–141.2
 12 Annotated Code of Maryland
 13 (2019 Replacement Volume and 2022 Supplement)

14 BY repealing and reenacting, with amendments,
 15 Article – Insurance
 16 Section 15–139
 17 Annotated Code of Maryland
 18 (2017 Replacement Volume and 2022 Supplement)

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

21 **Article – Health – General**

22 **SUBTITLE 48. COMMISSION ON BEHAVIORAL HEALTH CARE TREATMENT AND**
 23 **ACCESS.**

24 **13–4801.**

25 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
 26 **INDICATED.**

27 **(B) “BEHAVIORAL HEALTH” INCLUDES SUBSTANCE–RELATED DISORDERS,**
 28 **ADDICTIVE DISORDERS, MENTAL DISORDERS, LIFE STRESSORS AND CRISES, AND**
 29 **STRESS–RELATED PHYSICAL SYMPTOMS.**

30 **(C) “COMMISSION” MEANS THE COMMISSION ON BEHAVIORAL HEALTH**
 31 **CARE TREATMENT AND ACCESS.**

32 **13–4802.**

33 **THERE IS A COMMISSION ON BEHAVIORAL HEALTH CARE TREATMENT AND**
 34 **ACCESS.**

1 13-4803.

2 (A) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

3 (1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE
4 PRESIDENT OF THE SENATE;

5 (2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE
6 SPEAKER OF THE HOUSE;

7 (3) ONE REPRESENTATIVE OF MARYLAND'S CONGRESSIONAL
8 DELEGATION;

9 (4) THE SECRETARY OF HEALTH, OR THE SECRETARY'S DESIGNEE;

10 (5) THE SECRETARY OF HUMAN SERVICES, OR THE SECRETARY'S
11 DESIGNEE;

12 (6) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY'S
13 DESIGNEE;

14 (7) THE DEPUTY SECRETARY FOR BEHAVIORAL HEALTH, OR THE
15 DEPUTY SECRETARY'S DESIGNEE;

16 (8) THE MARYLAND INSURANCE COMMISSIONER, OR THE
17 COMMISSIONER'S DESIGNEE;

18 (9) THE EXECUTIVE DIRECTOR OF THE HEALTH SERVICES COST
19 REVIEW COMMISSION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

20 (10) THE EXECUTIVE DIRECTOR OF THE MARYLAND HEALTH CARE
21 COMMISSION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

22 (11) THE EXECUTIVE DIRECTOR OF THE MARYLAND COMMUNITY
23 HEALTH RESOURCES COMMISSION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

24 (12) THE EXECUTIVE DIRECTOR OF THE STATE-DESIGNATED HEALTH
25 INFORMATION EXCHANGE, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

26 (13) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF
27 CRIME PREVENTION, YOUTH, AND VICTIM SERVICES, OR THE EXECUTIVE
28 DIRECTOR'S DESIGNEE; ~~AND~~

1 **(14) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S**
2 **DESIGNEE;**

3 **(15) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL**
4 **SERVICES, OR THE SECRETARY'S DESIGNEE;**

5 **(16) THE SPECIAL SECRETARY OF OPIOID RESPONSE, OR THE**
6 **SPECIAL SECRETARY'S DESIGNEE; AND**

7 ~~(14)~~ **(17)** THE FOLLOWING MEMBERS APPOINTED BY THE
8 GOVERNOR:

9 **(I) ONE REPRESENTATIVE OF THE MENTAL HEALTH**
10 **ASSOCIATION OF MARYLAND;**

11 **(II) ONE REPRESENTATIVE OF THE NATIONAL ALLIANCE ON**
12 **MENTAL ILLNESS;**

13 **(III) ONE REPRESENTATIVE OF THE COMMUNITY BEHAVIORAL**
14 **HEALTH ASSOCIATION OF MARYLAND;**

15 **(IV) ONE REPRESENTATIVE OF A PROVIDER OF RESIDENTIAL**
16 **BEHAVIORAL HEALTH SERVICES;**

17 **(V) ONE REPRESENTATIVE OF AN ACUTE CARE HOSPITAL;**

18 **(VI) ONE REPRESENTATIVE OF AN INPATIENT PSYCHIATRIC**
19 **HOSPITAL;**

20 **(VII) ONE INDIVIDUAL WITH EXPERIENCE AS A CONSUMER OF**
21 **BEHAVIORAL HEALTH SERVICES;**

22 **(VIII) ONE FAMILY MEMBER OF AN INDIVIDUAL WITH**
23 **EXPERIENCE AS A CONSUMER OF BEHAVIORAL HEALTH SERVICES;**

24 **(IX) ONE REPRESENTATIVE OF A PROVIDER OF SUBSTANCE USE**
25 **TREATMENT SERVICES;**

26 **(X) ONE REPRESENTATIVE OF A SCHOOL-BASED HEALTH**
27 **CENTER;**

28 **(XI) ONE INDIVIDUAL WITH EXPERTISE IN SOCIAL**
29 **DETERMINANTS OF HEALTH;**

1 (XII) ONE INDIVIDUAL WITH EXPERTISE IN HEALTH ECONOMICS;

2 (XIII) ONE REPRESENTATIVE OF A HEALTH INSURANCE CARRIER;

3 (XIV) ONE REPRESENTATIVE OF A MANAGED CARE
4 ORGANIZATION;

5 (XV) ONE REPRESENTATIVE FROM THE OFFICE OF THE PUBLIC
6 DEFENDER;

7 (XVI) ONE REPRESENTATIVE OF THE DEVELOPMENTAL
8 DISABILITY COALITION;

9 (XVII) ONE REPRESENTATIVE OF THE MARYLAND CHAPTER OF
10 THE NATIONAL COUNCIL ON ALCOHOLISM AND DRUG DEPENDENCE;

11 (XVIII) ONE REPRESENTATIVE OF THE MARYLAND
12 PSYCHOLOGICAL ASSOCIATION; ~~AND~~

13 (XIX) ONE REPRESENTATIVE OF DISABILITY RIGHTS MARYLAND;

14 (XX) ONE REPRESENTATIVE OF A FEDERALLY QUALIFIED
15 HEALTH CENTER;

16 (XXI) ONE REPRESENTATIVE OF A LOCAL BEHAVIORAL HEALTH
17 AUTHORITY; AND

18 (XXII) ONE INDIVIDUAL WITH AN INTELLECTUAL DISABILITY WHO
19 USES SELF-DIRECTED BEHAVIORAL HEALTH SERVICES.

20 (B) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE COMMISSION
21 SHALL REFLECT THE GEOGRAPHIC AND ETHNIC DIVERSITY OF THE STATE.

22 (C) THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER
23 OF THE HOUSE JOINTLY SHALL DESIGNATE THE CHAIR OF THE COMMISSION.

24 (D) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMISSION.

25 (E) A MEMBER OF THE COMMISSION:

26 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
27 COMMISSION; BUT

28 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
29 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

1 (F) THE COMMISSION SHALL MEET AT LEAST THREE TIMES PER YEAR AT
2 THE TIMES AND PLACES DETERMINED BY THE COMMISSION.

3 13-4804.

4 THE PURPOSE OF THE COMMISSION IS TO MAKE RECOMMENDATIONS TO
5 PROVIDE APPROPRIATE, ACCESSIBLE, AND COMPREHENSIVE BEHAVIORAL HEALTH
6 SERVICES THAT ARE AVAILABLE ON DEMAND TO INDIVIDUALS IN THE STATE ACROSS
7 THE BEHAVIORAL HEALTH CONTINUUM ~~THAT ARE AVAILABLE ON DEMAND.~~

8 13-4805.

9 THE COMMISSION SHALL:

10 (1) CONDUCT AN ASSESSMENT OF BEHAVIORAL HEALTH SERVICES IN
11 THE STATE TO IDENTIFY NEEDS AND GAPS IN SERVICES ACROSS THE CONTINUUM,
12 INCLUDING COMMUNITY-BASED OUTPATIENT AND SUPPORT SERVICES, CRISIS
13 RESPONSE, AND INPATIENT CARE;

14 (2) EXAMINE THE METHODS FOR REIMBURSING BEHAVIORAL
15 HEALTH CARE SERVICES IN THE STATE AND MAKE RECOMMENDATIONS ON THE
16 MOST EFFECTIVE FORMS OF REIMBURSEMENT TO MAXIMIZE SERVICE DELIVERY;

17 (3) COMPILE FINDINGS OF STATE-SPECIFIC NEEDS ASSESSMENTS
18 RELATED TO BEHAVIORAL HEALTH CARE SERVICES;

19 (4) REVIEW RECOMMENDATIONS AND REPORTS OF STATE
20 COMMISSIONS, WORKGROUPS, OR TASK FORCES RELATED TO BEHAVIORAL HEALTH
21 CARE SERVICES;

22 (5) CONDUCT A NEEDS ASSESSMENT ON THE STATE'S BEHAVIORAL
23 HEALTH CARE WORKFORCE TO IDENTIFY GAPS AND MAKE RECOMMENDATIONS TO
24 ENSURE AN ADEQUATE, CULTURALLY COMPETENT, AND DIVERSE WORKFORCE
25 ACROSS THE BEHAVIORAL HEALTH CARE CONTINUUM;

26 (6) REVIEW TRENDS AND BEST PRACTICES FROM OTHER STATES
27 REGARDING POLICY AND REIMBURSEMENT STRATEGIES THAT SUPPORT ACCESS TO
28 A COMPREHENSIVE ARRAY OF SERVICES AND ENSURE QUALITY OF CARE;

29 (7) EXAMINE AND MAKE RECOMMENDATIONS RELATED TO THE
30 BEHAVIORAL HEALTH OF THE GERIATRIC AND YOUTH POPULATIONS IN THE STATE;

1 (8) EXAMINE AND MAKE RECOMMENDATIONS TO PROVIDE
2 APPROPRIATE AND ADEQUATE BEHAVIORAL HEALTH SERVICES TO INDIVIDUALS
3 WITH DEVELOPMENTAL DISABILITIES AND COMPLEX BEHAVIORAL HEALTH NEEDS,
4 SPECIFICALLY YOUTH;

5 (9) ASSESS THE HEALTH INFRASTRUCTURE, FACILITIES,
6 PERSONNEL, AND SERVICES AVAILABLE FOR THE STATE'S FORENSIC POPULATION
7 AND IDENTIFY DEFICIENCIES IN RESOURCES AND POLICIES NEEDED TO PRIORITIZE
8 HEALTH OUTCOMES, INCREASE PUBLIC SAFETY, AND REDUCE RECIDIVISM;

9 (10) MAKE RECOMMENDATIONS ON EXPANDING BEHAVIORAL HEALTH
10 TREATMENT ACCESS FOR THE STATE'S COURT-ORDERED POPULATION;

11 (11) MAKE RECOMMENDATIONS ON ACTION PLANS REGARDING THE
12 BEHAVIORAL HEALTH CARE SYSTEM'S CAPACITY TO PREPARE FOR AND RESPOND TO
13 FUTURE CHALLENGES AFFECTING THE ENTIRE STATE OR PARTICULAR REGIONS OR
14 POPULATIONS IN THE STATE, INCLUDING PANDEMICS AND EXTREME WEATHER
15 EVENTS; ~~AND~~

16 (12) MAKE RECOMMENDATIONS TO ENSURE THAT BEHAVIORAL
17 HEALTH TREATMENT IS PROVIDED IN THE APPROPRIATE SETTING, INCLUDING
18 METHODS TO DIVERT BEHAVIORAL HEALTH PATIENTS FROM EMERGENCY
19 DEPARTMENTS BY USING THE MARYLAND MENTAL HEALTH AND SUBSTANCE USE
20 DISORDER REGISTRY AND REFERRAL SYSTEM ESTABLISHED UNDER § 7.5-802 OF
21 THIS ARTICLE AND 2-1-1;

22 (13) EXAMINE AND REVIEW THE USE OF HARM REDUCTION
23 STRATEGIES TO FACILITATE ACCESS TO CARE; AND

24 (14) EXAMINE METHODS TO ASSIST CONSUMERS IN ACCESSING
25 BEHAVIORAL HEALTH SERVICES.

26 13-4806.

27 (A) THE COMMISSION SHALL ESTABLISH THE FOLLOWING WORKGROUPS:

28 (1) GERIATRIC BEHAVIORAL HEALTH;

29 (2) YOUTH BEHAVIORAL HEALTH, INDIVIDUALS WITH
30 DEVELOPMENTAL DISABILITIES, AND INDIVIDUALS WITH COMPLEX BEHAVIORAL
31 HEALTH NEEDS;

32 (3) CRIMINAL JUSTICE-INVOLVED BEHAVIORAL HEALTH; AND

1 (4) BEHAVIORAL HEALTH WORKFORCE DEVELOPMENT,
2 INFRASTRUCTURE, COORDINATION, AND FINANCING.

3 (B) THE WORKGROUPS ESTABLISHED UNDER SUBSECTION (A) OF THIS
4 SECTION SHALL MEET AT LEAST TWO TIMES PER YEAR AT THE TIMES AND PLACES
5 DETERMINED BY THE WORKGROUP.

6 (C) THE WORKGROUPS ESTABLISHED UNDER SUBSECTION (A) OF THIS
7 SECTION SHALL INCLUDE MEMBERS OF THE COMMISSION AND MAY INCLUDE
8 INDIVIDUALS INVITED BY THE COMMISSION TO SERVE ON THE WORKGROUP.

9 (D) ON OR BEFORE DECEMBER 1 EACH YEAR, BEGINNING IN 2023, THE
10 WORKGROUPS ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION SHALL
11 REPORT AND MAKE RECOMMENDATIONS TO THE COMMISSION.

12 13-4807.

13 (A) (1) ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN 2024, THE
14 COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §
15 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE
16 COMMISSION'S FINDINGS AND RECOMMENDATIONS, INCLUDING FUNDING AND
17 LEGISLATIVE RECOMMENDATIONS, THAT ARE CONSISTENT WITH PROVIDING
18 APPROPRIATE, ACCESSIBLE, AND COMPREHENSIVE BEHAVIORAL HEALTH SERVICES
19 THAT ARE AVAILABLE ON DEMAND TO INDIVIDUALS IN THE STATE ACROSS THE
20 BEHAVIORAL HEALTH CONTINUUM.

21 (2) ANY LEGISLATIVE RECOMMENDATIONS INCLUDED IN THE
22 REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT REQUIRE
23 FUNDING SHALL INCLUDE AN ESTIMATE OF THE FUNDING REQUIRED TO
24 IMPLEMENT THE RECOMMENDATION AND INFORMATION THAT SUPPORTS THE
25 FUNDING ESTIMATE.

26 (B) THE REPORT REQUIRED ON OR BEFORE JANUARY 1, 2024, SHALL
27 INCLUDE THE FINDINGS OF THE NEEDS ASSESSMENTS REQUIRED UNDER § 13-4805
28 OF THIS SUBTITLE.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
30 as follows:

31 Article – Health – General

32 SUBTITLE 49. BEHAVIORAL HEALTH CARE COORDINATION VALUE-BASED
33 PURCHASING PILOT PROGRAM.

1 **13-4901.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) “BEHAVIORAL HEALTH CARE COORDINATION” MEANS A
5 PERSON-CENTERED, TEAM-BASED ACTIVITY DESIGNED TO:

6 (1) ASSESS AND MEET THE NEEDS OF AN INDIVIDUAL WITH A
7 BEHAVIORAL HEALTH CONDITION; AND

8 (2) HELP THE INDIVIDUAL NAVIGATE THE HEALTH CARE SYSTEM
9 EFFECTIVELY AND EFFICIENTLY.

10 (C) “PILOT PROGRAM” MEANS THE BEHAVIORAL HEALTH CARE
11 COORDINATION VALUE-BASED PURCHASING PILOT PROGRAM.

12 (D) “VALUE-BASED PURCHASING” MEANS FINANCIALLY INCENTIVIZING
13 PROVIDERS TO MEET SPECIFIED OUTCOME MEASURES.

14 **13-4902.**

15 THERE IS A BEHAVIORAL HEALTH CARE COORDINATION VALUE-BASED
16 PURCHASING PILOT PROGRAM IN THE DEPARTMENT.

17 **13-4903.**

18 THE PURPOSE OF THE PILOT PROGRAM IS TO ESTABLISH AND IMPLEMENT AN
19 INTENSIVE CARE COORDINATION MODEL USING VALUE-BASED PURCHASING IN THE
20 SPECIALTY BEHAVIORAL HEALTH SYSTEM.

21 **13-4904.**

22 (A) THE DEPARTMENT SHALL ADMINISTER THE PILOT PROGRAM.

23 (B) THE DEPARTMENT SHALL IDENTIFY AT LEAST 500 ADULTS WHOSE
24 BEHAVIORAL HEALTH CONDITION OR FUNCTIONING PLACES THEM AT RISK OF
25 HOSPITAL EMERGENCY DEPARTMENT UTILIZATION OR INPATIENT PSYCHIATRIC
26 HOSPITAL ADMISSION.

27 (C) THE PILOT PROGRAM SHALL BE OPERATIONAL FOR A 3-YEAR PERIOD.

28 (D) A PROVIDER OR NETWORK OF PROVIDERS SELECTED TO PARTICIPATE
29 IN THE PILOT PROGRAM SHALL:

1 **(1) BE LICENSED AND IN GOOD STANDING WITH THE MARYLAND**
2 **MEDICAL ASSISTANCE PROGRAM;**

3 **(2) HAVE EXPERIENCE IN PROVIDING COMMUNITY-BASED CARE**
4 **COORDINATION TO SPECIALTY BEHAVIORAL HEALTH PROGRAM RECIPIENTS;**

5 **(3) USE AN ELECTRONIC MEDICAL RECORD FOR DOCUMENTING CARE**
6 **COORDINATION ACTIVITIES AND OUTCOMES COLLECTION; AND**

7 **(4) HAVE AN AUTOMATED DATA EXCHANGE WITH THE**
8 **STATE-DESIGNATED HEALTH INFORMATION EXCHANGE.**

9 **(E) THE DEPARTMENT SHALL:**

10 **(1) PROVIDE REIMBURSEMENT ON A PER MEMBER PER MONTH BASIS**
11 **FOR THE BEHAVIORAL HEALTH CARE COORDINATION ACTIVITIES THAT ARE NOT**
12 **OTHERWISE COVERED BY THE MARYLAND MEDICAL ASSISTANCE PROGRAM;**

13 **(2) COLLECT OUTCOMES DATA ON RECIPIENTS OF HEALTH CARE**
14 **SERVICES UNDER THE PILOT PROGRAM; AND**

15 **(3) EVALUATE THE EFFECTIVENESS OF THE VALUE-BASED**
16 **PURCHASING MODEL BY ANALYZING THE FOLLOWING OUTCOME MEASURES:**

17 **(I) A COMPARISON OF THE FOLLOWING DATA ELEMENTS**
18 **BEFORE AND AFTER ENROLLMENT OF RECIPIENTS OF HEALTH CARE SERVICES**
19 **UNDER THE PILOT PROGRAM:**

20 **1. EMERGENCY DEPARTMENT UTILIZATION FOR BOTH**
21 **BEHAVIORAL AND SOMATIC HEALTH PURPOSES;**

22 **2. INPATIENT HOSPITALIZATION FOR BOTH**
23 **BEHAVIORAL AND SOMATIC HEALTH PURPOSES; AND**

24 **3. TOTAL HEALTH CARE EXPENDITURES;**

25 **(II) OUTCOMES FOR RECIPIENTS WITH AND WITHOUT PRIMARY**
26 **CARE SERVICES COORDINATED BY A BEHAVIORAL HEALTH PROVIDER; AND**

27 **(III) RECOGNIZED CLINICAL QUALITY METRICS WHICH MAY**
28 **INCLUDE PATIENT EXPERIENCE MEASURES.**

29 **13-4905.**

1 IF NECESSARY TO IMPLEMENT THE PILOT PROGRAM, THE DEPARTMENT
2 SHALL APPLY TO THE CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR AN
3 AMENDMENT TO THE STATE'S § 1115 HEALTHCHOICE DEMONSTRATION.

4 13-4906.

5 (A) FOR EACH OF FISCAL YEAR 2025, FISCAL YEAR 2026, AND FISCAL YEAR
6 2027, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN
7 APPROPRIATION OF \$600,000 FOR THE PILOT PROGRAM.

8 (B) BEGINNING IN FISCAL YEAR 2026, THE DEPARTMENT SHALL ALLOCATE
9 A PERCENTAGE OF THE ANNUAL APPROPRIATION REQUIRED UNDER SUBSECTION
10 (A) OF THIS SECTION TO REIMBURSEMENT PAID BASED ON THE ACHIEVEMENT OF
11 THE OUTCOME MEASURES DESCRIBED IN § 13-4904(E)(3) OF THIS SUBTITLE.

12 (C) IN FISCAL YEAR 2027, THE DEPARTMENT SHALL INCREASE THE
13 PERCENTAGE OF THE ANNUAL APPROPRIATION REQUIRED UNDER SUBSECTION (A)
14 OF THIS SECTION ALLOCATED TO REIMBURSEMENT PAID IN ACCORDANCE WITH
15 SUBSECTION (B) OF THIS SECTION OVER THE PERCENTAGE ALLOCATED IN FISCAL
16 YEAR 2026.

17 13-4907.

18 ON OR BEFORE NOVEMBER 1, 2027, THE DEPARTMENT SHALL REPORT TO
19 THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT
20 ARTICLE, THE GENERAL ASSEMBLY ON THE DEPARTMENT'S FINDINGS AND
21 RECOMMENDATIONS FROM THE PILOT PROGRAM.

22 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
23 as follows:

24 **Article – Health – General**

25 15-141.2.

26 (a) (1) In this section the following words have the meanings indicated.

27 (2) "Distant site" means a site at which the distant site health care provider
28 is located at the time the health care service is provided through telehealth.

29 (3) "Distant site provider" means the health care provider who provides
30 medically necessary services to a patient at an originating site from a different physical
31 location than the location of the patient.

32 (4) "Health care provider" means:

1 (i) A person who is licensed, certified, or otherwise authorized under
2 the Health Occupations Article to provide health care in the ordinary course of business or
3 practice of a profession or in an approved education or training program;

4 (ii) A mental health and substance use disorder program licensed in
5 accordance with § 7.5–401 of this article;

6 (iii) A person licensed under Title 7, Subtitle 9 of this article to
7 provide services to an individual with developmental disability or a recipient of individual
8 support services; or

9 (iv) A provider as defined under § 16–201.4 of this article to provide
10 services to an individual receiving long–term care services.

11 (5) “Originating site” means the location of the Program recipient at the
12 time the health care service is provided through telehealth.

13 (6) “Remote patient monitoring services” means the use of synchronous or
14 asynchronous digital technologies that collect or monitor medical, patient–reported, and
15 other forms of health care data for Program recipients at an originating site and
16 electronically transmit that data to a distant site provider to enable the distant site
17 provider to assess, diagnose, consult, treat, educate, provide care management, suggest
18 self–management, or make recommendations regarding the Program recipient’s health
19 care.

20 (7) (i) “Telehealth” means the delivery of medically necessary somatic,
21 dental, or behavioral health services to a patient at an originating site by a distant site
22 provider through the use of technology–assisted communication.

23 (ii) “Telehealth” includes:

24 1. Synchronous and asynchronous interactions;

25 2. From July 1, 2021, to June 30, **[2023] 2025**, both
26 inclusive, an audio–only telephone conversation between a health care provider and a
27 patient that results in the delivery of a billable, covered health care service; and

28 3. Remote patient monitoring services.

29 (iii) “Telehealth” does not include the provision of health care
30 services solely through:

31 1. Except as provided in subparagraph (ii)2 of this
32 paragraph, an audio–only telephone conversation;

33 2. An e–mail message; or

1 3. A facsimile transmission.

2 (b) The Program shall:

3 (1) Provide health care services appropriately delivered through telehealth
4 to Program recipients regardless of the location of the Program recipient at the time
5 telehealth services are provided; and

6 (2) Allow a distant site provider to provide health care services to a
7 Program recipient from any location at which the health care services may be appropriately
8 delivered through telehealth.

9 (c) The services required to be provided under subsection (b) of this section shall
10 include counseling and treatment for substance use disorders and mental health conditions.

11 (d) The Program may not:

12 (1) Exclude from coverage a health care service solely because it is provided
13 through telehealth and is not provided through an in-person consultation or contact
14 between a health care provider and a patient; or

15 (2) Exclude from coverage a behavioral health care service provided to a
16 Program recipient in person solely because the service may also be provided through
17 telehealth.

18 (e) The Program may undertake utilization review, including preauthorization,
19 to determine the appropriateness of any health care service whether the service is delivered
20 through an in-person consultation or through telehealth if the appropriateness of the
21 health care service is determined in the same manner.

22 (f) The Program may not distinguish between Program recipients in rural or
23 urban locations in providing coverage under the Program for health care services delivered
24 through telehealth.

25 (g) (1) Subject to paragraph (3) of this subsection, the Program shall
26 reimburse a health care provider for the diagnosis, consultation, and treatment of a
27 Program recipient for a health care service covered by the Program that can be
28 appropriately provided through telehealth.

29 (2) This subsection does not require the Program to reimburse a health
30 care provider for a health care service delivered in person or through telehealth that is:

31 (i) Not a covered health care service under the Program; or

32 (ii) Delivered by an out-of-network provider unless the health care
33 service is a self-referred service authorized under the Program.

1 (3) (i) From July 1, 2021, to June 30, [2023] **2025**, both inclusive, when
2 appropriately provided through telehealth, the Program shall provide reimbursement in
3 accordance with paragraph (1) of this subsection on the same basis and the same rate as if
4 the health care service were delivered by the health care provider in person.

5 (ii) The reimbursement required under subparagraph (i) of this
6 paragraph does not include:

7 1. Clinic facility fees unless the health care service is
8 provided by a health care provider not authorized to bill a professional fee separately for
9 the health care service; or

10 2. Any room and board fees.

11 (h) (1) The Department may specify in regulation the types of health care
12 providers eligible to receive reimbursement for health care services provided to Program
13 recipients under this section.

14 (2) If the Department specifies by regulation the types of health care
15 providers eligible to receive reimbursement for health care services provided to Program
16 recipients under this subsection, the regulations shall include all types of health care
17 providers that appropriately provide telehealth services.

18 (3) For the purpose of reimbursement and any fidelity standards
19 established by the Department, a health care service provided through telehealth is
20 equivalent to the same health care service when provided through an in-person
21 consultation.

22 (i) Subject to subsection (g)(2) of this section, the Program or a managed care
23 organization that participates in the Program may not impose as a condition of
24 reimbursement of a covered health care service delivered through telehealth that the
25 health care service be provided by a third-party vendor designated by the Program.

26 (j) The Department may adopt regulations to carry out this section.

27 (k) The Department shall obtain any federal authority necessary to implement
28 the requirements of this section, including applying to the Centers for Medicare and
29 Medicaid Services for an amendment to any of the State's § 1115 waivers or the State plan.

30 (l) This section may not be construed to supersede the authority of the Health
31 Services Cost Review Commission to set the appropriate rates for hospitals, including
32 setting the hospital facility fee for hospital-provided telehealth.

1 ~~(A) IN THIS SECTION, "CERTIFIED COMMUNITY BEHAVIORAL HEALTH~~
2 ~~CLINIC" MEANS A NONPROFIT COMPREHENSIVE COMMUNITY MENTAL HEALTH OR~~
3 ~~SUBSTANCE USE TREATMENT ORGANIZATION LICENSED BY THE STATE THAT MEETS~~
4 ~~THE FEDERAL CERTIFICATION CRITERIA OF § 223 OF THE FEDERAL PROTECTING~~
5 ~~ACCESS TO MEDICARE ACT OF 2014 AND OFFERS, DIRECTLY OR INDIRECTLY~~
6 ~~THROUGH FORMAL REFERRAL RELATIONSHIPS WITH OTHER PROVIDERS, THE~~
7 ~~FOLLOWING SERVICES:~~

8 ~~(1) OUTPATIENT MENTAL HEALTH AND SUBSTANCE USE SERVICES;~~

9 ~~(2) 24-HOUR MOBILE CRISIS RESPONSE AND HOTLINE SERVICES;~~

10 ~~(3) SCREENING, ASSESSMENT, AND DIAGNOSIS, INCLUDING RISK~~
11 ~~ASSESSMENTS;~~

12 ~~(4) PERSON-CENTERED TREATMENT PLANNING;~~

13 ~~(5) PRIMARY CARE SCREENING AND MONITORING OF KEY~~
14 ~~INDICATORS OF HEALTH RISKS;~~

15 ~~(6) TARGETED CASE MANAGEMENT;~~

16 ~~(7) PSYCHIATRIC REHABILITATION SERVICES;~~

17 ~~(8) PEER SUPPORT AND FAMILY SUPPORTS;~~

18 ~~(9) MEDICATION ASSISTED TREATMENT;~~

19 ~~(10) ASSERTIVE COMMUNITY TREATMENT; AND~~

20 ~~(11) COMMUNITY BASED MENTAL HEALTH CARE FOR MILITARY~~
21 ~~SERVICE MEMBERS AND VETERANS.~~

22 ~~(B) ON OR BEFORE DECEMBER 1, 2023, THE DEPARTMENT SHALL SUBMIT~~
23 ~~A STATE PLAN AMENDMENT TO THE CENTERS FOR MEDICARE AND MEDICAID~~
24 ~~SERVICES TO ESTABLISH CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS IN~~
25 ~~ACCORDANCE WITH § 223 OF THE FEDERAL PROTECTING ACCESS TO MEDICARE~~
26 ~~ACT OF 2014.~~

27 ~~(C) IF THE AMENDMENT SUBMITTED UNDER SUBSECTION (B) OF THIS~~
28 ~~SECTION IS APPROVED, THE DEPARTMENT SHALL AMEND THE STATE PLAN IN~~
29 ~~ACCORDANCE WITH TITLE XIX AND TITLE XXI OF THE SOCIAL SECURITY ACT AS~~
30 ~~NECESSARY TO COVER:~~

~~(1) ALL REQUIRED SERVICES FOR INDIVIDUALS WITH MENTAL HEALTH NEEDS OR SUBSTANCE USE DISORDERS AT CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS THROUGH A DAILY BUNDLED PAYMENT METHODOLOGY THAT IS IN ALIGNMENT WITH FEDERAL PAYMENT FROM THE CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR THE CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS MEDICAID DEMONSTRATION UNDER § 223 OF THE FEDERAL PROTECTING ACCESS TO MEDICARE ACT OF 2014; AND~~

~~(2) ANY ADDITIONAL SERVICES IDENTIFIED BY THE DEPARTMENT.~~

~~(D) (1) THE DEPARTMENT SHALL ESTABLISH STANDARDS AND METHODOLOGIES FOR A PROSPECTIVE PAYMENT SYSTEM TO REIMBURSE A CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC UNDER THE PROGRAM ON A PREDETERMINED FIXED AMOUNT PER DAY FOR COVERED SERVICES PROVIDED TO A PROGRAM RECIPIENT.~~

~~(2) THE PROSPECTIVE PAYMENT RATE FOR A CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC SHALL:~~

~~(I) BE ADJUSTED ONCE EVERY 3 YEARS BY THE MEDICARE ECONOMIC INDEX IN ACCORDANCE WITH § 223 OF THE FEDERAL PROTECTING ACCESS TO MEDICARE ACT OF 2014; AND~~

~~(H) ALLOW FOR MODIFICATIONS BASED ON A CHANGE IN SCOPE FOR AN INDIVIDUAL CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC.~~

~~(3) THE DEPARTMENT MAY CONSIDER RATE ADJUSTMENTS ON REQUEST BY A CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC.~~

~~(E) (1) THE DEPARTMENT SHALL ESTABLISH A QUALITY INCENTIVE PAYMENT SYSTEM FOR A CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC THAT ACHIEVES SPECIFIED THRESHOLDS ON PERFORMANCE METRICS ESTABLISHED BY THE DEPARTMENT.~~

~~(2) THE QUALITY INCENTIVE PAYMENT SYSTEM ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IN ADDITION TO THE PROSPECTIVE PAYMENT RATE ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION.~~

Article – Insurance

15–139.

(a) (1) In this section, “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

1 scope of practice of the health care provider at a location other than the location of the
2 patient.

3 (2) “Telehealth” includes from July 1, 2021, to June 30, [2023] **2025**, both
4 inclusive, an audio-only telephone conversation between a health care provider and a
5 patient that results in the delivery of a billable, covered health care service.

6 (3) “Telehealth” does not include:

7 (i) except as provided in paragraph (2) of this subsection, an
8 audio-only telephone conversation between a health care provider and a patient;

9 (ii) an electronic mail message between a health care provider and a
10 patient; or

11 (iii) a facsimile transmission between a health care provider and a
12 patient.

13 (b) This section applies to:

14 (1) insurers and nonprofit health service plans that provide hospital,
15 medical, or surgical benefits to individuals or groups on an expense-incurred basis under
16 health insurance policies or contracts that are issued or delivered in the State; and

17 (2) health maintenance organizations that provide hospital, medical, or
18 surgical benefits to individuals or groups under contracts that are issued or delivered in
19 the State.

20 (c) (1) An entity subject to this section:

21 (i) shall provide coverage under a health insurance policy or
22 contract for health care services appropriately delivered through telehealth regardless of
23 the location of the patient at the time the telehealth services are provided;

24 (ii) may not exclude from coverage a health care service solely
25 because it is provided through telehealth and is not provided through an in-person
26 consultation or contact between a health care provider and a patient; and

27 (iii) may not exclude from coverage or deny coverage for a behavioral
28 health care service that is a covered benefit under a health insurance policy or contract
29 when provided in person solely because the behavioral health care service may also be
30 provided through a covered telehealth benefit.

31 (2) The health care services appropriately delivered through telehealth
32 shall include counseling and treatment for substance use disorders and mental health
33 conditions.

1 (d) (1) Subject to paragraph (2) of this subsection, an entity subject to this
2 section:

3 (i) shall reimburse a health care provider for the diagnosis,
4 consultation, and treatment of an insured patient for a health care service covered under a
5 health insurance policy or contract that can be appropriately provided through telehealth;

6 (ii) is not required to:

7 1. reimburse a health care provider for a health care service
8 delivered in person or through telehealth that is not a covered benefit under the health
9 insurance policy or contract; or

10 2. reimburse a health care provider who is not a covered
11 provider under the health insurance policy or contract; and

12 (iii) 1. may impose a deductible, copayment, or coinsurance
13 amount on benefits for health care services that are delivered either through an in-person
14 consultation or through telehealth;

15 2. may impose an annual dollar maximum as permitted by
16 federal law; and

17 3. may not impose a lifetime dollar maximum.

18 (2) (i) From July 1, 2021, to June 30, [2023] **2025**, both inclusive, when
19 a health care service is appropriately provided through telehealth, an entity subject to this
20 section shall provide reimbursement in accordance with paragraph (1)(i) of this subsection
21 on the same basis and at the same rate as if the health care service were delivered by the
22 health care provider in person.

23 (ii) The reimbursement required under subparagraph (i) of this
24 paragraph does not include:

25 1. clinic facility fees unless the health care service is
26 provided by a health care provider not authorized to bill a professional fee separately for
27 the health care service; or

28 2. any room and board fees.

29 (iii) This paragraph may not be construed to supersede the authority
30 of the Health Services Cost Review Commission to set the appropriate rates for hospitals,
31 including setting the hospital facility fee for hospital-provided telehealth.

32 (e) Subject to subsection (d)(1)(ii) of this section, an entity subject to this section
33 may not impose as a condition of reimbursement of a covered health care service delivered

1 through telehealth that the health care service be provided by a third-party vendor
2 designated by the entity.

3 (f) An entity subject to this section may undertake utilization review, including
4 preauthorization, to determine the appropriateness of any health care service whether the
5 service is delivered through an in-person consultation or through telehealth if the
6 appropriateness of the health care service is determined in the same manner.

7 (g) A health insurance policy or contract may not distinguish between patients in
8 rural or urban locations in providing coverage under the policy or contract for health care
9 services delivered through telehealth.

10 (h) A decision by an entity subject to this section not to provide coverage for
11 telehealth in accordance with this section constitutes an adverse decision, as defined in §
12 15-10A-01 of this title, if the decision is based on a finding that telehealth is not medically
13 necessary, appropriate, or efficient.

14 SECTION 4. AND BE IT FURTHER ENACTED, That:

15 (a) The Maryland Health Care Commission shall study and make
16 recommendations regarding the delivery of health care services through telehealth,
17 including payment parity for the delivery of health care services through audiovisual and
18 audio-only telehealth technologies.

19 (b) In conducting the study required under subsection (a) of this section, the
20 Maryland Health Care Commission shall:

21 (1) determine whether it is more or less costly for health care providers to
22 deliver health care services through telehealth;

23 (2) determine whether the delivery of health care services through
24 telehealth requires more or less clinical effort on the part of the health care provider;

25 (3) to help inform the debate on payment parity, identify the aspects of
26 telehealth that are subject to overuse or underuse or yield greater or lower value;

27 (4) assess the adequacy of reimbursement for behavioral health services
28 delivered in person and by telehealth; and

29 (5) address any other issues related to telehealth as determined necessary
30 by the Commission.

31 (c) On or before December 1, 2024, the Maryland Health Care Commission shall
32 submit a report on its findings and recommendations to the General Assembly, in
33 accordance with § 2-1257 of the State Government Article.

1 SECTION 5. AND BE IT FURTHER ENACTED, That the Maryland Department of
 2 Health shall apply to the Substance Abuse and Mental Health Services Administration at
 3 the Center for Mental Health Services for federal planning, development, and
 4 implementation grant funds related to certified community behavioral health clinics for
 5 fiscal year 2025.

6 SECTION 6. AND BE IT FURTHER ENACTED, That the Maryland Department of
 7 Health shall apply to the Substance Abuse and Mental Health Services Administration at
 8 the Center for Mental Health Services for inclusion in the state certified community
 9 behavioral health clinic demonstration program for fiscal year 2026.

10 ~~SECTION 7.~~ SECTION 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
 11 take effect October 1, 2023. It shall remain effective for a period of 4 years and 2 months
 12 and, at the end of November 30, 2027, Section 2 of this Act, with no further action required
 13 by the General Assembly, shall be abrogated and of no further force and effect.

14 ~~SECTION 8.~~ SECTION 8. AND BE IT FURTHER ENACTED, That, except as provided in
 15 Section ~~4~~ 7 of this Act, this Act shall take effect June 1, 2023. Section 1 of this Act shall
 16 remain effective for a period of 4 years and 1 month and, at the end of June 30, 2027, Section
 17 1 of this Act, with no further action required by the General Assembly, shall be abrogated
 18 and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.