

Chapter 832

(House Bill 1127)

AN ACT concerning

**Sexual Assault Forensic Examinations Conducted Through Telehealth –
Reimbursement and Study**

FOR the purpose of authorizing the reimbursement of a sexual assault forensic exam conducted through peer-to-peer telehealth under certain circumstances; requiring the Maryland Sexual Assault Evidence Kit Policy and Funding Committee to conduct a study on the feasibility of a telehealth program that includes a pilot program for conducting sexual assault forensic examinations through telehealth; and generally relating to sexual assault forensic examinations and telehealth.

BY repealing and reenacting, with amendments,
 Article – Criminal Procedure
 Section 11–1007
 Annotated Code of Maryland
 (2018 Replacement Volume and 2023 Supplement)

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

Article – Criminal Procedure

11–1007.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Child” means any individual under the age of 18 years.
- (3) “Initial assessment” includes:
- (i) a psychological evaluation;
 - (ii) a parental interview; and
 - (iii) a medical evaluation.

(4) **(I) “PEER-TO-PEER TELEHEALTH” MEANS, AS IT RELATES TO THE PERFORMANCE OF A FORENSIC EXAMINATION, THE USE OF INTERACTIVE AUDIO, VIDEO, OR OTHER TELECOMMUNICATIONS OR ELECTRONIC TECHNOLOGY BY A FORENSIC NURSE EXAMINER TO ASSIST IN THE PERFORMANCE OF A FORENSIC**

EXAMINATION WHEN THE FORENSIC NURSE EXAMINER IS IN ONE LOCATION AND THE PATIENT IS WITH A QUALIFIED HEALTH CARE PROVIDER IN ANOTHER LOCATION.

(II) “PEER-TO-PEER TELEHEALTH” DOES NOT INCLUDE:

1. AN E-MAIL MESSAGE BETWEEN A HEALTH CARE PROVIDER AND A PATIENT; OR

2. A FACSIMILE TRANSMISSION BETWEEN A HEALTH CARE PROVIDER AND A PATIENT.

(5) “Physician” means an individual who is authorized under the Maryland Medical Practice Act to practice medicine in the State.

~~(5)~~ **(6)** “Qualified health care provider” means an individual who is licensed by a health occupations board established under the Health Occupations Article.

~~(6)~~ **(7)** (i) “Sexual abuse” means any act that involves sexual molestation or exploitation of a child whether or not the sexual molestation or exploitation of the child is by a parent or other individual who has permanent or temporary care, custody, or responsibility for supervision of a child, or by any household or family member.

(ii) “Sexual abuse” includes incest, rape, or sexual offense in any degree.

~~**(7)** **(1)** “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.~~

~~**(II) “TELEHEALTH” DOES NOT INCLUDE:**~~

~~**1. AN AUDIO ONLY TELEPHONE CONVERSATION BETWEEN A HEALTH CARE PROVIDER AND A PATIENT;**~~

~~**2. AN E-MAIL MESSAGE BETWEEN A HEALTH CARE PROVIDER AND A PATIENT; OR**~~

~~**3. A FACSIMILE TRANSMISSION BETWEEN A HEALTH CARE PROVIDER AND A PATIENT.**~~

(b) If a physician, a qualified health care provider, or a hospital provides a service described in subsection (c) of this section to a victim of an alleged rape or sexual offense or a victim of alleged child sexual abuse:

(1) the services shall be provided without charge to the individual; and

(2) the physician, qualified health care provider, or hospital:

(i) is entitled to be paid by the Criminal Injuries Compensation Board as provided under Subtitle 8 of this title for the costs of providing the services;

(ii) shall provide written or electronic verification signed by a physician or qualified health care provider to the Criminal Injuries Compensation Board that services described in subsection (c) of this section were rendered to a victim of an alleged rape or sexual offense or a victim of alleged child sexual abuse; and

(iii) may not include in any request to obtain payment under this subsection a narrative describing the alleged offense of a victim or a photograph of the victim.

(c) This section applies to the following services:

(1) a physical and sexual assault forensic examination to gather information and evidence as to an alleged crime when the examination is conducted within 15 days of the alleged crime or a longer period as provided by regulation;

(2) emergency hospital treatment and follow-up medical testing for up to 90 days after the initial physical examination; [and]

(3) for up to 5 hours of professional time to gather information and evidence of the alleged sexual abuse, an initial assessment of a victim of alleged child sexual abuse by:

(i) a physician;

(ii) qualified hospital health care personnel;

(iii) a qualified health care provider;

(iv) a mental health professional; or

(v) an interdisciplinary team expert in the field of child abuse; **AND**

(4) A SEXUAL ASSAULT FORENSIC EXAM CONDUCTED THROUGH PEER-TO-PEER TELEHEALTH.

(d) (1) A physician or a qualified health care provider who examines a victim of alleged child sexual abuse under the provisions of this section is immune from civil liability that may result from the failure of the physician or qualified health care provider to obtain consent from the child's parent, guardian, or custodian for the examination or treatment of the child.

(2) The immunity extends to:

(i) any hospital with which the physician or qualified health care provider is affiliated or to which the child is brought; and

(ii) any individual working under the control or supervision of the hospital.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Sexual Assault Evidence Kit Policy and Funding Committee shall study and make recommendations on the feasibility of a telehealth program in the State that includes a TeleSAFE Pilot Program, which uses telehealth to support the provision of sexual assault forensic examinations.

(b) The study required under subsection (a) of this section shall include:

(1) the framework of a TeleSAFE Pilot Program;

(2) a plan for the development and implementation of the TeleSAFE Pilot Program; and

(3) a process to expand the TeleSAFE Pilot Program over time.

(c) On or before December 1, 2024, the Maryland Sexual Assault Evidence Kit Policy and Funding Committee shall report its findings and recommendations to the General Assembly, in accordance with § 2–1257 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act shall prohibit a hospital system in the State from seeking and applying for funding from grants related to sexual assault forensic examinations conducted through telehealth.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024. Section 2 of this Act shall remain effective for a period of 1 year and, at the end of June 30, 2025, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 16, 2024.