



March 3, 2022

The Honorable Paul G. Pinsky  
Chair, Senate Education, Health, and Environmental Affairs Committee  
2 West, Miller Senate Office Building  
Annapolis, MD 21401

**RE: SB 398 - Out-of-State Health Care Practitioners – Provision of Behavior Health Services via Telehealth - Authorization**

Dear Chair Pinsky and Committee Members:

The Maryland Health Care Commission (MHCC) is submitting this letter of information on Senate Bill (SB) 398 *Out-of-State Health Care Practitioners – Provision of Behavior Health Services via Telehealth – Authorization*.

SB 398 authorizes a health care practitioner who is not licensed in the State to provide behavioral health services via telehealth to a patient in the State under certain circumstances; and generally relating to telehealth and the provision of behavioral health services by out-of-state health care practitioners.

Interstate health occupation compacts have gained acceptance as a method to allow health care practitioners to provide services to consumers in other states, while assuring states that consistent oversight continues. Compacts allow for a less onerous and time-consuming process for physicians and other health care practitioners to obtain licenses in multiple states. Though a compact enables full licensure, one of the recent goals is to increase access to care through telehealth. During the 2021 legislative session, the Maryland General Assembly passed Senate Bill 571, *Interstate Licensed Professional Counselors Compact* (SB 571). SB 571 includes the privilege to practice telehealth, providing the individual is licensed by their home state. Maryland now participates in five (5) interstate compacts:

- Professional Counselors Compact
- Nurse Licensure Compact (NLC)
- Interstate Medical Licensure Compact (IMLC physicians)
- Physical Therapy Compact
- Psychology Interjurisdictional Compact

Compacts provide a pathway for health care practitioners to move seamlessly from one state to another through where participating states recognize another state's license.<sup>1</sup>

One limitation of compacts is that they may have little impact until a significant number of states have joined. Maryland is only the second state (Georgia being the other) to join the Professional Counselors Compact. The other four (4) compacts that Maryland is a part of have considerably broader state participation. Thirty (30) states participate in the Interstate Medical License Compact, thirty-three (33) states participate in the Nurse Licensure Compact, and twenty-six (26) states participate in the Psychology Interjurisdictional Compact.

SB 398 enables an out-of-state health care practitioner to provide telehealth without participating in a compact. Passage would enable Maryland residents to gain access to out-of-state practitioners without the constraints of an interstate compact. This legislation could negatively impact State monitoring of health care practitioners providing behavior health services using telehealth. The effect on consumers protections is unclear due to the limited ability of Maryland Health Occupation Boards to effectively investigate complaints and discipline out-of-state health care practitioners who violate State requirements.

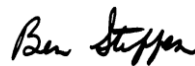
Maryland Health Occupation Boards are responsible for several aspects of licensing health care professionals, including the determination of provider qualifications and scope of practice, and ensuring that licensure protects consumers. An important aspect of compacts is that it clearly outlines the reciprocal performance requirements that impact on performance. Setting the bar for out-of-state health care practitioners at licensing could lead to unintended consequences related to quality and cost.

If you would like to discuss this further, please contact Tracey DeShields, Director, Policy Development and External Affairs, Maryland Health Care Commission at [tracey.deshields2@maryland.gov](mailto:tracey.deshields2@maryland.gov).

Sincerely,



Andrew Pollack  
Chair, MHCC



Ben Steffen  
Executive Director, MHCC

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<sup>1</sup> American Counseling Association available at: [www.counseling.org/news/updates/2021/05/19/maryland-becomes-second-state-to-sign-interstate-counseling-compact-into-law](http://www.counseling.org/news/updates/2021/05/19/maryland-becomes-second-state-to-sign-interstate-counseling-compact-into-law).



cc: The Honorable Carl Anderton, Jr.  
The Honorable Joseph C. Boteler  
The Honorable Jason C. Buckel, House Minority Leader  
The Honorable Brian Chisholm  
The Honorable Jefferson L. Ghrist  
The Honorable Mike Griffith  
The Honorable Wayne A. Hartman  
The Honorable Kevin B. Hornberger  
The Honorable Seth A. Howard  
The Honorable Jay A. Jacobs  
The Honorable Nicholas R. Kipke  
The Honorable Trent Kittleman  
The Honorable Susan W. Krebs  
The Honorable Robert B. Long  
The Honorable Nino Mangione  
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The Honorable Charles J. Otto  
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The Honorable Teresa E. Reilly  
The Honorable Sid Saab  
The Honorable Haven Shoemaker, House Minority Whip  
The Honorable Kathy Szeliga  
The Honorable Brenda J. Thiam  
Tracey DeShields, Director, Policy Development and External Affairs, MHCC

