

HOUSE BILL 1127

E2

4lr2944
CF SB 950

By: ~~Delegate Bartlett~~ Delegates Bartlett, Arikan, Grammer, Conaway, Kaufman, and Williams

Introduced and read first time: February 7, 2024

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 27, 2024

CHAPTER _____

1 AN ACT concerning

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

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

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Procedure
12 Section 11–1007
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2023 Supplement)

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

17 **Article – Criminal Procedure**

18 11–1007.

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

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 (2) “Child” means any individual under the age of 18 years.

2 (3) “Initial assessment” includes:

3 (i) a psychological evaluation;

4 (ii) a parental interview; and

5 (iii) a medical evaluation.

6 (4) **(I) “PEER-TO-PEER TELEHEALTH” MEANS, AS IT RELATES TO**
 7 **THE PERFORMANCE OF A FORENSIC EXAMINATION, THE USE OF INTERACTIVE**
 8 **AUDIO, VIDEO, OR OTHER TELECOMMUNICATIONS OR ELECTRONIC TECHNOLOGY BY**
 9 **A FORENSIC NURSE EXAMINER TO ASSIST IN THE PERFORMANCE OF A FORENSIC**
 10 **EXAMINATION WHEN THE FORENSIC NURSE EXAMINER IS IN ONE LOCATION AND THE**
 11 **PATIENT IS WITH A QUALIFIED HEALTH CARE PROVIDER IN ANOTHER LOCATION.**

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

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

15 **2. A FACSIMILE TRANSMISSION BETWEEN A HEALTH**
 16 **CARE PROVIDER AND A PATIENT.**

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

19 ~~(5)~~ **(6)** “Qualified health care provider” means an individual who is
 20 licensed by a health occupations board established under the Health Occupations Article.

21 ~~(6)~~ **(7)** (i) “Sexual abuse” means any act that involves sexual
 22 molestation or exploitation of a child whether or not the sexual molestation or exploitation
 23 of the child is by a parent or other individual who has permanent or temporary care,
 24 custody, or responsibility for supervision of a child, or by any household or family member.

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

27 ~~(7)~~ ~~(1)~~ ~~“TELEHEALTH” MEANS, AS IT RELATES TO THE DELIVERY~~
 28 ~~OF HEALTH CARE SERVICES, THE USE OF INTERACTIVE AUDIO, VIDEO, OR OTHER~~
 29 ~~TELECOMMUNICATIONS OR ELECTRONIC TECHNOLOGY BY A LICENSED HEALTH~~
 30 ~~CARE PROVIDER TO DELIVER A HEALTH CARE SERVICE WITHIN THE SCOPE OF~~

~~1 PRACTICE OF THE HEALTH CARE PROVIDER AT A LOCATION OTHER THAN THE~~
~~2 LOCATION OF THE PATIENT.~~

3 ~~(H) "TELEHEALTH" DOES NOT INCLUDE:~~

4 ~~1. AN AUDIO ONLY TELEPHONE CONVERSATION~~
~~5 BETWEEN A HEALTH CARE PROVIDER AND A PATIENT;~~

6 ~~2. AN E-MAIL MESSAGE BETWEEN A HEALTH CARE~~
~~7 PROVIDER AND A PATIENT; OR~~

8 ~~3. A FACSIMILE TRANSMISSION BETWEEN A HEALTH~~
~~9 CARE PROVIDER AND A PATIENT.~~

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

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

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

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

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

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

24 (c) This section applies to the following services:

25 (1) a physical and sexual assault forensic examination to gather
 26 information and evidence as to an alleged crime when the examination is conducted within
 27 15 days of the alleged crime or a longer period as provided by regulation;

28 (2) emergency hospital treatment and follow-up medical testing for up to
 29 90 days after the initial physical examination; [and]

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

- 1 (i) a physician;
- 2 (ii) qualified hospital health care personnel;
- 3 (iii) a qualified health care provider;
- 4 (iv) a mental health professional; or
- 5 (v) an interdisciplinary team expert in the field of child abuse; AND

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

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

13 (2) The immunity extends to:

- 14 (i) any hospital with which the physician or qualified health care
15 provider is affiliated or to which the child is brought; and
- 16 (ii) any individual working under the control or supervision of the
17 hospital.

18 SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

- 24 (1) the framework of a TeleSAFE Pilot Program;
- 25 (2) a plan for the development and implementation of the TeleSAFE Pilot
26 Program; and
- 27 (3) a process to expand the TeleSAFE Pilot Program over time.

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

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

4 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2024. Section 2 of this Act shall remain effective for a period of 1 year and, at the end of
6 June 30, 2025, Section 2 of this Act, with no further action required by the General
7 Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.