

SENATE BILL 524

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By: **Senator Eckardt**

Introduced and read first time: February 4, 2019

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Telemedicine – Psychiatric Nurse**
3 **Practitioners**

4 FOR the purpose of requiring the Maryland Department of Health, under certain
5 circumstances, to include psychiatric nurse practitioners who are providing
6 Assertive Community Treatment or mobile treatment services to certain Maryland
7 Medical Assistance Program recipients in the types of providers eligible to receive
8 reimbursement for health care services that are delivered through telemedicine and
9 provided to Program recipients; providing that a certain health care service provided
10 through telemedicine by a certain psychiatric nurse practitioner is equivalent to the
11 same health care service when provided through an in-person consultation for a
12 certain purpose; requiring the Department to report to certain committees of the
13 General Assembly on certain matters on or before a certain date; and generally
14 relating to the Maryland Medical Assistance Program and telemedicine.

15 BY repealing and reenacting, with amendments,
16 Article – Health – General
17 Section 15–105.2
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2018 Supplement)

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

22 **Article – Health – General**

23 15–105.2.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (ii) "Health care provider" means a person who is licensed, certified,
4 or otherwise authorized under the Health Occupations Article to provide health care in the
5 ordinary course of business or practice of a profession or in an approved education or
6 training program.

7 (iii) 1. "Telemedicine" means, as it relates to the delivery of
8 health care services, the use of interactive audio, video, or other telecommunications or
9 electronic technology:

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

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

15 2. "Telemedicine" does not include:

16 A. An audio-only telephone conversation between a health
17 care provider and a patient;

18 B. An electronic mail message between a health care provider
19 and a patient; or

20 C. A facsimile transmission between a health care provider
21 and a patient.

22 (2) To the extent authorized by federal law or regulation, the provisions of
23 § 15-139(c) through (f) of the Insurance Article relating to coverage of and reimbursement
24 for health care services delivered through telemedicine shall apply to the Program and
25 managed care organizations in the same manner they apply to carriers.

26 (3) Subject to the limitations of the State budget and to the extent
27 authorized by federal law or regulation, the Department may authorize coverage of and
28 reimbursement for health care services that are delivered through store and forward
29 technology or remote patient monitoring.

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

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

1 1. Primary care providers; and

2 2. Psychiatrists AND PSYCHIATRIC NURSE
3 **PRACTITIONERS, AS DEFINED IN § 10-601 OF THIS ARTICLE**, who are providing
4 Assertive Community Treatment or mobile treatment services to Program recipients
5 located in a home or community-based setting.

6 (iii) For the purpose of reimbursement and any fidelity standards
7 established by the Department, a health care service provided through telemedicine by a
8 psychiatrist **OR A PSYCHIATRIC NURSE PRACTITIONER** described under subparagraph
9 (ii)2 of this paragraph is equivalent to the same health care service when provided through
10 an in-person consultation.

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September 30,
17 2021, the Maryland Department of Health shall report, in accordance with § 2-1246 of the
18 State Government Article, to the Senate Finance Committee and the House Health and
19 Government Operations Committee on the effect on Medical Assistance Program general
20 fund expenditures of reimbursing telemedicine services from psychiatric nurse
21 practitioners who are providing Assertive Community Treatment or mobile treatment
22 services, as required by Section 1 of this Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2019.