

HOUSE BILL 1149

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2lr2351
CF SB 781

By: **Delegates Lee, Smigiel, Afzali, Beitzel, Clagett, Conaway, Cullison, DeBoy, Hammen, Healey, Howard, Jameson, Kach, A. Kelly, McComas, Nathan-Pulliam, Pendergrass, B. Robinson, Stocksdales, Tarrant, and V. Turner**

Introduced and read first time: February 10, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Coverage for Telemedicine Services**

3 FOR the purpose of requiring certain insurers, nonprofit health service plans, and
4 health maintenance organizations to provide the same coverage for health care
5 services delivered in person or through a telemedicine service; prohibiting
6 certain insurers, nonprofit health service plans, and health maintenance
7 organizations from excluding a health care service from coverage solely because
8 it is delivered by a telemedicine service and not in another manner; requiring
9 certain insurers, nonprofit health service plans, and health maintenance
10 organizations to reimburse health care providers for certain services on a
11 certain basis under certain circumstances; authorizing the imposition of a
12 deductible, copayment, coinsurance amount, annual dollar maximum, or
13 lifetime dollar maximum under certain circumstances; authorizing certain
14 insurers, nonprofit health service plans, and health maintenance organizations
15 to undertake certain utilization review under certain circumstances; prohibiting
16 a health insurance policy or contract from distinguishing between patients in
17 rural or urban locations in providing certain coverage; providing that a certain
18 decision constitutes a certain adverse decision under certain circumstances;
19 requiring the Maryland Medical Assistance Program to provide certain
20 reimbursement under certain circumstances; making certain provisions of this
21 Act applicable to health maintenance organizations; providing that the health
22 benefit options that the Secretary of Budget and Management includes in the
23 State Employee and Retiree Health and Welfare Benefits Program may not
24 discriminate in a certain manner and shall provide certain coverage; requiring
25 the Department of Public Safety and Correctional Services to make a certain
26 study and report to the General Assembly on or before a certain date; defining a
27 certain term; providing for the application of this Act; and generally relating to
28 coverage for telemedicine services under health insurance.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Insurance
3 Section 15–139
4 Annotated Code of Maryland
5 (2011 Replacement Volume)

6 BY repealing and reenacting, with amendments,
7 Article – Health – General
8 Section 15–105.2
9 Annotated Code of Maryland
10 (2009 Replacement Volume and 2011 Supplement)

11 BY adding to
12 Article – Health – General
13 Section 19–706(l)lll
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2011 Supplement)

16 BY adding to
17 Article – State Personnel and Pensions
18 Section 2–518
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2011 Supplement)

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

23 **Article – Insurance**

24 **15–139.**

25 (A) (1) IN THIS SECTION, “TELEMEDICINE SERVICE” MEANS, AS IT
26 RELATES TO THE DELIVERY OF HEALTH CARE SERVICES, THE USE OF
27 INTERACTIVE AUDIO, VIDEO, OR OTHER TELECOMMUNICATIONS OR
28 ELECTRONIC TECHNOLOGY BY A LICENSED HEALTH CARE PROVIDER TO
29 DELIVER A HEALTH CARE SERVICE WITHIN THE SCOPE OF PRACTICE OF THE
30 HEALTH CARE PROVIDER AT A SITE OTHER THAN THE SITE AT WHICH THE
31 PATIENT IS LOCATED.

32 (2) “TELEMEDICINE SERVICE” DOES NOT INCLUDE:

33 (I) AN AUDIO–ONLY TELEPHONE CONVERSATION BETWEEN
34 A HEALTH CARE PROVIDER AND A PATIENT;

1 **(II) AN ELECTRONIC MAIL MESSAGE BETWEEN A HEALTH**
2 **CARE PROVIDER AND A PATIENT; OR**

3 **(III) A FACSIMILE TRANSMISSION BETWEEN A HEALTH CARE**
4 **PROVIDER AND A PATIENT.**

5 **(B) THIS SECTION APPLIES TO:**

6 **(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT**
7 **PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR**
8 **GROUPS ON AN EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE**
9 **POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND**

10 **(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE**
11 **HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS**
12 **UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.**

13 **(C) AN ENTITY SUBJECT TO THIS SECTION:**

14 **(1) SHALL PROVIDE THE SAME COVERAGE UNDER A HEALTH**
15 **INSURANCE POLICY OR CONTRACT FOR HEALTH CARE SERVICES DELIVERED**
16 **IN PERSON OR THROUGH A TELEMEDICINE SERVICE; AND**

17 **(2) MAY NOT EXCLUDE FROM COVERAGE A HEALTH CARE**
18 **SERVICE SOLELY BECAUSE IT IS PROVIDED THROUGH A TELEMEDICINE SERVICE**
19 **AND IS NOT PROVIDED THROUGH AN IN-PERSON CONSULTATION OR CONTACT**
20 **BETWEEN A HEALTH CARE PROVIDER AND A PATIENT.**

21 **(D) AN ENTITY SUBJECT TO THIS SECTION:**

22 **(1) SHALL REIMBURSE A HEALTH CARE PROVIDER FOR THE**
23 **DIAGNOSIS, CONSULTATION, AND TREATMENT OF AN INSURED PATIENT FOR A**
24 **HEALTH CARE SERVICE COVERED UNDER A HEALTH INSURANCE POLICY OR**
25 **CONTRACT ON THE SAME BASIS REGARDLESS OF WHETHER THE HEALTH CARE**
26 **SERVICE IS DELIVERED THROUGH AN IN-PERSON CONSULTATION OR THROUGH**
27 **A TELEMEDICINE SERVICE;**

28 **(2) IS NOT REQUIRED TO:**

29 **(I) REIMBURSE A HEALTH CARE PROVIDER FOR A HEALTH**
30 **CARE SERVICE DELIVERED IN PERSON OR THROUGH A TELEMEDICINE SERVICE**
31 **THAT IS NOT A COVERED BENEFIT UNDER THE HEALTH INSURANCE POLICY OR**
32 **CONTRACT; OR**

1 PROVIDER FOR A HEALTH CARE SERVICE DELIVERED BY A TELEMEDICINE
2 SERVICE, AS DEFINED IN § 15-139 OF THE INSURANCE ARTICLE, IN THE SAME
3 MANNER AS THE SAME HEALTH CARE SERVICE IS REIMBURSED WHEN
4 DELIVERED IN PERSON.

5 19-706.

6 (LLLL) THE PROVISIONS OF § 15-139 OF THE INSURANCE ARTICLE
7 APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

8 Article – State Personnel and Pensions

9 2-518.

10 THE HEALTH INSURANCE BENEFIT OPTIONS THAT THE SECRETARY
11 INCLUDES IN THE PROGRAM:

12 (1) MAY NOT DISCRIMINATE AGAINST THE DELIVERY OF HEALTH
13 CARE SERVICES BY A TELEMEDICINE SERVICE, AS DEFINED IN § 15-139 OF THE
14 INSURANCE ARTICLE; AND

15 (2) SHALL PROVIDE THE SAME COVERAGE FOR HEALTH CARE
16 SERVICES DELIVERED EITHER IN PERSON OR THROUGH A TELEMEDICINE
17 SERVICE, AS DEFINED IN § 15-139 OF THE INSURANCE ARTICLE.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Public
19 Safety and Correctional Services shall study the use of telemedicine to identify
20 opportunities to reduce the costs of delivering health care services to inmates
21 incarcerated in a State or local correctional facility, such as reducing the cost of secure
22 transportation. On or before December 1, 2012, the Department shall report to the
23 General Assembly, in accordance with § 2-1246 of the State Government Article, on
24 its study and include a plan for implementing the use of telemedicine to deliver health
25 care services to inmates.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to all
27 policies, contracts, and health benefit plans issued, delivered, or renewed in the State
28 on or after October 1, 2012.

29 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2012.