



BULLETIN: 2020 – 011
Effective Date: April 7, 2020

Telehealth – Maryland State of Emergency – COVID-19

Linthicum, MD — The Maryland Medical Cannabis Commission (the “Commission”) is providing this bulletin to update certifying health care providers and patients on temporary certification practices permissible during the state of emergency. This bulletin supersedes [Bulletin 2020-007 – Written Certification Renewal](#) issued on March 17.

Effective immediately, the Commission will allow a certifying health care provider who is registered with the Commission to provide a written certification to a qualifying patient via telehealth under limited circumstances. This applies to an initial written certification and a written certification renewal. Specifically, a certifying provider may only issue or renew a written certification via telehealth if the certifying provider:

1. Reviews the patient’s medical records,
2. Completes an assessment of the patient’s medical history and current medical condition,
3. Creates and maintains records of the patient’s condition in accord with medically accepted standards, and
4. Determines that (i) the qualifying patient meets the certifying provider’s inclusion criteria, (ii) the qualifying patient does not meet the certifying provider’s exclusion criteria, and (iii) the potential benefits of the medical use of cannabis likely outweigh the health risks of the patient.

Before providing treatment or issuing a certification through telehealth, the health care provider shall perform a clinical evaluation that is appropriate for the patient and the condition with which the patient presents. **A clinical evaluation may not be conducted via e-mail, SMS or text message, or facsimile transmission.**

This bulletin will remain in effect until the state of emergency and the proclamation of the catastrophic health emergency has been rescinded. Upon termination of the state of emergency, this bulletin will terminate and certifying providers may no longer issue a written certification via telehealth.

For the purposes of this bulletin, telehealth has the meaning stated in the Health Occupations Article, §10-1001(e):

(e)(1) “Telehealth” means a mode of delivery health care services through the use of telecommunications technologies by a health care practitioner to a patient at a different physical location than the health care practitioner.

(2) “Telehealth” includes synchronous and asynchronous interactions.

(3) “Telehealth” does not include the provision of health care services solely through audio-only calls, e-mail messages, SMS or text messages, or facsimile transmissions.

The Commission strongly encourages certifying providers to schedule an in-person assessment with each patient who receives a telehealth written certification renewal after the state of emergency is terminated.

PLEASE BE ADVISED: The suspension of statutes and regulations during the state of emergency and catastrophic health emergency, as approved by the Commission, and as proclaimed by the Governor in the March 16, 2020 Executive Order “Relating to Various Health Care Matters,” as proclaimed by the Governor in the March 20, 2020 Executive Order “To Further Authorize Additional Telehealth Services,” and pursuant to Senate Bill 402/Chapter 16 of the Acts of 2020, will not be considered as a basis for making these temporary changes permanent.

Please direct any questions to infoandregistration@maryland.gov.