



## **New Maryland Telehealth Payment law**

MedChi fought for telehealth payment legislation with a board coalition of health-related organizations. House Bill 123/Senate Bill 3: Preserve Telehealth Access Act of 2021, passed the Maryland General Assembly this session.

This legislation was built on prior years work. In 2020, the General Assembly adopted Chapter 15 expanding the use of telehealth. However, the 2020 legislation did not define telehealth to include audio-only calls with patients. It quickly became apparent in the months that followed that audio-only calls would be critical to connecting with older patients and those who do not have internet access during the pandemic. Medicare and Medicaid acted quickly at the federal level to allow reimbursement for audio-only under those programs, and by Executive Order 20-04-01-01, Governor Hogan did the same. Still, the need existed to codify this practice and legislation was put forward to do so. MedChi spent hours negotiating these bills against staunch resistance by the health insurers.

This bill expands the definitions of "telehealth" and the coverage and reimbursement requirements for health care services provided through telehealth for both Medicaid and private insurance. Insurers, nonprofit health service plans, and health maintenance organizations (collectively known as carriers), must reimburse for a covered service appropriately provided through telehealth, as specified.

"Telehealth" means the delivery of medically necessary somatic, dental, or behavioral health services to a patient at an originating site by a distant site provider using technology-assisted communication. "Telehealth" includes (1) synchronous and asynchronous interactions; (2) from July 1, 2021, through June 30, 2023, an audio-only telephone conversation between a health care provider and a patient that results in the delivery of a billable, covered health care service; and (3) remote patient monitoring (RPM) services. "Telehealth" does not include the provision of health care services solely through an audio-only telephone conversation (except for the temporary provision for fiscal 2022 and 2023), an email message, or a facsimile transmission.

As passed, the legislation codifies audio-only as telehealth and requires payment parity between in-person and telehealth visits. It also extends the protections to Medicaid but provides flexibility to implement in regulations. The bill's provisions are effective between July 1, 2021 through June 30, 2023. During that time, the Maryland Health Care Commission (MHCC) is required to study the impact of providing telehealth services in accordance with the bill's requirements and issue a report with recommendations to the General Assembly on or before December 1, 2022. This timeline provides the General Assembly the opportunity to make permanent changes to the law during the 2023 Session (prior to the termination of the provisions on June 30, 2023).