

Maryland

Medicaid Program: MD Medical Assistance Program

Program Administrator: MD Dept. of Social Services

Regional Telehealth Resource Center

Mid-Atlantic Telehealth Resource Center

PO Box. 800711

Charlottesville, VA 22908-0711

(434) 906-4960 / (855) MATRC4U

www.matrc.org

STATE LAW/REGULATIONS	MEDICAID PROGRAM
Definition of telemedicine/telehealth	
<p>“Telehealth means the use of telecommunications and information technologies for the exchange of information from one site to another, for the provision of health care to an individual from a provider through hardwire or Internet connection.”</p> <p><i>Source: MD Health Occupations Annotated Sec. 2-101 (2012).</i></p> <p>Telemedicine means, as it relates to the delivery of health care services, the use of interactive audio, video, or other telecommunications or electronic technology:</p> <ol style="list-style-type: none"> 1. By a health care provider to deliver a health care service that is within the scope of practice of the health care provider at a site other than the site at which the patient is located; and 2. That enables the patient to see and interact with the health care provider at the time the health care service is provided to the patient. <p><i>Source: Health General Code 15-105.2.</i></p> <p>“Telemedicine means the practice of medicine from a distance in which intervention and treatment decisions and recommendations are based on clinical data, documents, and information transmitted through telecommunications systems.”</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.32.05.02</i></p> <p>“Telemedicine means the delivery of medically necessary services to a patient at an originating site by a consulting provider, through the use of technology-assisted communication.”</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.02.</i></p>	<p>“Telemedicine means the delivery of medically necessary services to a participant at an originating site by a consulting provider, through the use of technology-assisted communication.”</p> <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2014 Telemedicine Provider Manual. September 2014, p. 8.</i></p>
Live Video Reimbursement	
<p>Maryland law requires private insurers to provide coverage for telemedicine services (subject to terms and conditions of contract), which includes live video.</p>	<p>Reimbursement for telemedicine is required by Maryland Medical Assistance if the health care service is medically necessary and provided:</p>

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<p>(See “Private Payers” section).</p> <p><i>Source: MD Insurance Code Annotated Sec. 15-139 (2012).</i></p> <p>Maryland law requires the state Medicaid program to provide coverage for live video telemedicine services (subject to terms and conditions of contract), the same as it does for private payers.</p> <p><i>Source: Health General Code 15-105.2.</i></p> <p>The Department shall grant approval to allow originating and consulting site providers to receive State and federal funds for providing telemedicine services if the telemedicine provider meets certain requirements.</p> <p>Telemedicine providers must be part of a private practice, hospital or other health care system.</p> <p>Must be an agreement between a medical assistance-approved originating site provider and consulting provider.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.03-04. http://www.dsd.state.md.us/comar/getfile.aspx?file=10.09.49.03.htm</i></p> <p>Providers must have a written contingency plan when telemedicine is unavailable.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.07. http://www.dsd.state.md.us/comar/getfile.aspx?file=10.09.49.07.htm</i></p>	<ul style="list-style-type: none"> • For the treatment of cardiovascular disease or stroke; • In an emergency department setting; and • When an appropriate specialist is not available. <p><i>Source: MD Insurance Code Sec. 15-105.2</i></p> <p>The Maryland Medical Assistance Program will reimburse for medically necessary consultation services rendered by an approved consulting provider.</p> <p>Eligible Distant Site Providers:</p> <ul style="list-style-type: none"> • Free standing renal dialysis centers • Federally Qualified Health Centers • Hospitals, including EDs • Local health departments • Nursing facilities • Physicians • Nurse practitioners • Nurse midwives <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2013 Telemedicine Provider Manual. September 2013, p. 4-6 & Code of Maryland Admin. Regs. Sec. 10.09.49.05-07. http://www.dsd.state.md.us/comar/getfile.aspx?file=10.09.49.05.htm</i></p> <p>Managed Care</p> <p>MCOs shall provide coverage for medically necessary telemedicine services.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.67.31. http://www.dsd.state.md.us/comar/getfile.aspx?file=10.09.67.31.htm</i></p> <p>Mental Health</p> <p>Maryland Medicaid will reimburse for telemental health services.</p> <p>A distant site provider must be a psychiatrist with either a Medicaid provider number or is a psychiatrist in an FQHC or outpatient mental health clinics. The distant site must be in Maryland.</p> <p>Eligible services:</p> <ul style="list-style-type: none"> • Psychiatric diagnostic interview examination • Individual psychotherapy • Pharmacologic management <p>Both the distant and originating telemedicine providers must submit an application to the Maryland Mental Health Administration describing how the originating and distant site will comply with relevant regulations.</p> <p>The originating site may bill for a “tele-presenter” if it is medically necessary.</p>

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	<p><i>Source: MD Department of Health and Mental Hygiene, Maryland Value Options, Provider Alert. Telemental Health. July 12, 2011 p. 2.</i></p>
Store and Forward Reimbursement	
<p>No reimbursement based upon definition of “telemedicine” which describes telemedicine as “interactive”.</p> <p><i>Source: MD Insurance Code Annotated Sec. 15-139 (2012).</i></p> <p>The department may provide reimbursement for services delivered through store and forward technology.</p> <p><i>Source: Health General Code 15-105.2.</i></p>	<p>Maryland Medicaid does not cover store and forward.</p> <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2014 Telemedicine Provider Manual. September 2014, p. 6 & Code of Maryland Admin. Regs. Sec. 10.09.49.11.</i></p> <p>Providers of health care services delivered through telemedicine must use video and audio transmission with less than a 300 millisecond delay.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.08.</i></p>
Remote Patient Monitoring Reimbursement	
<p>The department may provide reimbursement for services delivered through remote patient monitoring technology.</p> <p><i>Source: Health General Code 15-105.2.</i></p>	<p>No reimbursement for home health monitoring services.</p> <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2013 Telemedicine Provider Manual. September 2014, p. 6 & Code of Maryland Admin. Regs. Sec. 10.09.49.11. http://www.dsd.state.md.us/comar/getfile.aspx?file=10.09.49.11.htm.</i></p>
Email/Phone/FAX	
<p>No reimbursement for email. No reimbursement for telephone. No reimbursement for FAX.</p> <p><i>Source: MD Insurance Code Annotated Sec. 15-139 (2012) & Health General Code 15-105.2.</i></p>	<p>No reimbursement for email. No reimbursement for telephone. No reimbursement for FAX.</p> <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2013 Telemedicine Provider Manual. September 2014, p. 6 Code of Maryland Admin. Regs. Sec. 10.09.49.11.</i></p>
Online Prescribing	
<p>A physician-patient relationship can be established through real time auditory communications or real-time visual and auditory communications.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.32.05.02</i></p>	<p>No reference found.</p>
Consent	
<p>Telehealth providers must inform patients and consultants of the following:</p> <ul style="list-style-type: none"> • The inability to have direct, physical contact with the patient is a primary difference between telehealth and direct in-person service delivery; • The knowledge, experiences, and qualifications of the consultant providing data and information to the provider of the telehealth services need not be completely known to and understood by the provider; • The quality of transmitted data may affect the quality of services provided by the provider; • That changes in the environment and test 	<p>Consent is required unless there is an emergency.</p> <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2013 Telemedicine Provider Manual. September 2014, p. 5 & Code of Maryland Admin. Regs. Sec. 10.09.49.06. http://www.dsd.state.md.us/comar/getfile.aspx?file=10.09.49.06.htm</i></p>

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<p>conditions could be impossible to make during delivery of telehealth services;</p> <p>Telehealth services may not be provided by correspondence only.</p> <p><i>Source: Code of MD Reg., 10.41.06.04 (2012).</i></p> <p>Except when providing interpretive services, the physician must obtain and document patient consent.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.32.05.06</i></p>	
Location	
<p>No reference found.</p>	<p>Eligible originating sites:</p> <ul style="list-style-type: none"> • Free standing renal dialysis centers • Federally Qualified Health Centers • Hospitals, including EDs • Local health departments • Nursing facilities • Physicians • Nurse practitioners • Nurse midwives <p>Originating sites must be approved. MD hospitals will only be approved as originating sites if a specialist is not available to provide timely consultation and diagnostic evaluation.</p> <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2013 Telemedicine Provider Manual. September 2014, p. 4 & Code of Maryland Admin. Regs. Sec. 10.09.49.07.</i></p> <p>Distant site provider must be located within the State, the District of Columbia, or a contiguous state.</p> <p><i>Source: Code of Maryland Admin. Regs. Sec. 10.09.49.07.</i></p> <p>Mental Health</p> <p>Originating sites are limited to outpatient mental health clinics (OMHC), hospitals and FQHCS in designated rural geographic areas.</p> <p>A distant site provider must be a psychiatrist with either a Medicaid provider number or is a psychiatrist in an FQHC or OMHC. The distant site must be in Maryland.</p> <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Value Options, Provider Alert. Telemental Health. July 12, 2011 p. 1-2.</i></p>
Cross-State Licensing	
<p>MD has exceptions to its MD-only licensed physicians for physicians practicing in the adjoining states of Delaware, Virginia, West Virginia, and Pennsylvania.</p>	<p>Originating site providers can engage in agreements with distant site providers in Maryland, the District of Columbia, or a contiguous state for telemedicine consultation services.</p>

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<p><i>Source: MD Health Occupations Code Annotated Sec. 14-302 (2012).</i></p> <p>A physician providing services through telemedicine must have a Maryland license if they are located in Maryland, or if the patient is in Maryland.</p> <p><i>Source: COMAR 10.32.05.03</i></p>	<p><i>Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2013 Telemedicine Provider Manual. September 2014, p. 4.</i></p>
Private Payers	
<p>Requires coverage of telemedicine services, subject to contract terms and conditions.</p> <p><i>Source: MD Insurance Code Annotated Sec. 15-139 (2012).</i></p>	<p>No reference found.</p>
Site/Transmission Fee	
<p>No reference found.</p>	<p>Originating sites are eligible for:</p> <ul style="list-style-type: none"> • A transaction fee; or • If the originating site is a hospital, the appropriate revenue code; and • If the originating site is an out-of-state hospital, a telemedicine transaction fee. <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Medicaid 2013 Telemedicine Provider Manual. September 2014, p. 6 Code of Maryland Admin. Regs. Sec. 10.09.49.05.</i></p> <p>Mental Health The originating site is eligible for a facility fee.</p> <p><i>Source: MD Department of Health and Mental Hygiene, Maryland Value Options, Provider Alert. Telemental Health. July 12, 2011 p. 4.</i></p>
Miscellaneous	

Comments: The Maryland Health Care Commission has a Telemedicine Task Force to study the use of telehealth throughout the State.