

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 162 (Senator Nathan-Pulliam, *et al.*)
Education, Health, and Environmental Affairs

Task Force to Study Regulation of Teletherapy

This bill establishes the Task Force to Study Regulation of Teletherapy to develop recommendations for regulation, including licensing, of teletherapy. The task force must submit an interim report by December 1, 2015, and a final report by December 1, 2016, to the Governor and specified committees of the General Assembly. The Department of Health and Mental Hygiene (DHMH) must provide staff for the task force.

The bill takes effect July 1, 2015, and terminates June 30, 2017.

Fiscal Summary

State Effect: Minimal increase in general fund expenditures for DHMH in FY 2016 and 2017 for administrative expenses associated with the task force. Staffing can be provided using existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: “Teletherapy” means the provision of mental health therapy services using telecommunications technology. The task force includes one member of the Senate and one member of the House of Delegates. The Secretary of Health and Mental Hygiene must designate the chair of the task force. A member of the task force may not receive compensation but is entitled to reimbursement for standard travel expenses.

The task force must study (1) a licensed health care practitioner's required knowledge and competence in the use of telecommunication technologies; (2) standards of care used in the delivery of teletherapy services; (3) the appropriateness of different telecommunication technologies used in the delivery of teletherapy services; (4) informed consent; (5) confidentiality of data and information; (6) security and transmission of data and information; (7) disposal of data, information, and technologies; (8) testing and assessment; (9) interjurisdictional practice; and (10) enforcement of any regulation of teletherapy. The task force must take into consideration existing State regulation of health care practitioners in related professions.

Current Law: Chapters 579 and 580 of 2012 require insurers, nonprofit health service plans, and health maintenance organizations to cover and reimburse for health care services appropriately delivered through telemedicine. Telemental health services are provided under the Maryland Medicaid program and the public mental health system. Several private providers also offer mental health services via telemedicine.

Background: The use of telecommunications technologies in the provision of mental health therapy has increased in recent years due to ongoing development of new technologies and the expansion of payment for telemedicine services. Industry associations, such as the American Psychological Association and the American Telemedicine Association, have developed guidelines for the provision of such services. These guidelines address such issues as the competence of practitioners, patient safety, standards of care, informed consent, confidentiality/security/disposal of data and information, testing and assessment, and interjurisdictional practice.

State Expenditures: DHMH indicates that one part-time (50%) contractual program administrator II is needed to staff the task force at the Behavioral Health Administration. The Department of Legislative Services disagrees and notes that staffing can likely be handled within existing budgeted resources. General fund expenditures for DHMH likely increase by a minimal amount for administrative expenses associated with the task force, including reimbursement for task force members.

Additional Information

Prior Introductions: None.

Cross File: HB 451 (Delegate Reznik, *et al.*) - Health and Government Operations.

Information Source(s): American Psychological Association, American Telemedicine Association, Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2015
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