

MAINE STATE LEGISLATURE

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SAR
ROS

May

L.D. 791

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Date: 6/14/21

(Filing No. S-280)

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MAJORITY

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HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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STATE OF MAINE

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SENATE

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130TH LEGISLATURE

8

FIRST SPECIAL SESSION

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COMMITTEE AMENDMENT "F" to S.P. 50, L.D. 791, "An Act Regarding
10 Telehealth Regulations"

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Amend the bill by striking out everything after the enacting clause and inserting the
12 following:

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PART A

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Sec. A-1. 22 MRSA §3173-H, sub-§1, ¶D, as amended by PL 2019, c. 649, §1, is
15 further amended to read:

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D. "Telehealth," as it pertains to the delivery of MaineCare services, means the use of
~~interactive visual and audio or other electronic media for the purpose of consultation~~
~~and education concerning and diagnosis, treatment, care management and self-~~
~~management of a patient's physical and mental health~~ information technology and
includes ~~real-time interaction between the patient and the patient's provider, electronic~~
~~consultation between health professionals regarding the patient, synchronous~~
encounters, asynchronous encounters, store and forward transfers and ~~remote patient~~
monitoring. "Telehealth" includes ~~telephonic services when interactive telehealth~~
~~services are unavailable or when a telephonic service is medically appropriate for the~~
underlying covered service telemonitoring.

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Sec. A-2. 22 MRSA §3173-H, sub-§1, ¶E, as amended by PL 2019, c. 649, §1, is
further amended to read:

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E. "Telemonitoring," as it pertains to the delivery of MaineCare services, means the
use of information technology to remotely monitor a patient's health status via
electronic means ~~through the use of clinical data while the patient remains in a~~
~~residential setting, allowing the provider to track the patient's health data over time.~~
Telemonitoring may ~~or may not take place in real time~~ be synchronous or
asynchronous.

Sec. A-3. 22 MRSA §3173-H, sub-§6 is enacted to read:

COMMITTEE AMENDMENT

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6. Consent for telehealth and telemonitoring services. A patient may provide verbal, electronic or written consent for telehealth and telemonitoring services under this section.

Sec. A-4. 24-A MRSA §4316, sub-§1, as amended by PL 2019, c. 649, §3, is further amended to read:

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Mobile health device" means a wearable device used to track health and wellness, including, but not limited to, a heart rate and respiratory monitor, an electrocardiogram monitor and a glucose monitor.

A-1. "Medicare" means the "Health Insurance for the Aged Act," Title XVIII of the Social Security Amendments of 1965, as amended.

B. "Store and forward transfers" means transmission of an enrollee's recorded health history through a secure electronic system to a provider.

B-1. "Asynchronous encounters" means the interaction or consultation between an enrollee and the enrollee's provider or between providers regarding the enrollee through a system with the ability to store digital information, including, but not limited to, still images, video, audio and text files, and other relevant data in one location and subsequently transmit such information for interpretation at a remote site by health professionals without requiring the simultaneous presence of the patient or the health professionals.

B-2. "Synchronous encounters" means a real-time interaction conducted with interactive audio or video connection between an enrollee and the enrollee's provider or between providers regarding the enrollee.

~~C. "Telehealth," as it pertains to the delivery of health care services, means the use of interactive real-time visual and audio or other electronic media for the purpose of consultation and education concerning and diagnosis, treatment, care management and self-management of an enrollee's physical and mental health information technology and includes real-time interaction between the enrollee and the telehealth provider, synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring. "Telehealth" does not include the use of audio only telephone, facsimile machine, e-mail or texting.~~

~~D. "Telemonitoring," as it pertains to the delivery of health care services, means the use of information technology to remotely monitor an enrollee's health status via electronic means through the use of clinical data while the enrollee remains in a residential setting, allowing the provider to track the enrollee's health data over time. Telemonitoring may or may not take place in real time be synchronous or asynchronous.~~

~~E. "Telephonic services," as it pertains to the delivery of health care services, means the use of telephone communication by a provider at a distance for the purpose of diagnosis, disease monitoring or treatment.~~

Sec. A-5. 24-A MRSA §4316, sub-§2, as corrected by RR 2019, c. 2, Pt. A, §28, is amended to read:

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2. Parity for telehealth services. A carrier offering a health plan in this State may not deny coverage on the basis that the health care service is provided through telehealth if the health care service would be covered if it were provided through in-person consultation between an enrollee and a provider and as long as the provider is acting within the scope of practice of the provider's license and in accordance with rules adopted by the board, if any, that issued the provider's license related to standards of practice for the delivery of a health care service through telehealth. Coverage for health care services provided through telehealth must be determined in a manner consistent with coverage for health care services provided through in-person consultation. If an enrollee is eligible for coverage and the delivery of the health care service through telehealth is medically appropriate, a carrier may not deny coverage for telehealth services. A carrier may offer a health plan containing a provision for a deductible, copayment or coinsurance requirement for a health care service provided through telehealth as long as the deductible, copayment or coinsurance does not exceed the deductible, copayment or coinsurance applicable to a comparable service provided through in-person consultation. A carrier may not exclude a health care service from coverage solely because such health care service is provided only through a telehealth encounter, as long as telehealth is appropriate for the provision of such health care service.

Sec. A-6. 24-A MRSA §4316, sub-§3, ¶G is enacted to read:

G. The carrier may not place any restriction on the prescribing of medication through telehealth by a provider whose scope of practice includes prescribing medication that is more restrictive than any requirement in state and federal law for prescribing medication through in-person consultation.

Sec. A-7. 24-A MRSA §4316, sub-§5, as enacted by PL 2019, c. 289, §2, is repealed.

Sec. A-8. 24-A MRSA §4316, sub-§10 is enacted to read:

10. Network adequacy. The availability of health care services through telehealth may not be considered for the purposes of demonstrating the adequacy of a carrier's network pursuant to section 4303, subsection 1 and Bureau of Insurance Rule Chapter 850: Health Plan Accountability.

PART B

Sec. B-1. 32 MRSA §69 is enacted to read:

§69. Telehealth services

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Asynchronous encounter" means an interaction between an individual and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the individual and the person licensed under this chapter.

B. "Store and forward transfer" means the transmission of an individual's records through a secure electronic system to a person licensed under this chapter.

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1 C. "Synchronous encounter" means a real-time interaction conducted with an
2 interactive audio or video connection between an individual and a person licensed
3 under this chapter or between a person licensed under this chapter and another health
4 care provider.

5 D. "Telehealth services" means health care services delivered through the use of
6 information technology and includes synchronous encounters, asynchronous
7 encounters, store and forward transfers and telemonitoring.

8 E. "Telemonitoring" means the use of information technology to remotely monitor an
9 individual's health status via electronic means, allowing the person licensed under this
10 chapter to track the individual's health data over time. Telemonitoring may be
11 synchronous or asynchronous.

12 **2. Telehealth services permitted.** A person licensed under this chapter may provide
13 telehealth services as long as the licensee acts within the scope of practice of the licensee's
14 license, in accordance with any requirements and restrictions imposed by this section and
15 in accordance with standards of practice.

16 **3. Confidentiality.** When providing telehealth services, a person licensed under this
17 chapter shall comply with all state and federal confidentiality and privacy laws.

18 **4. Professional responsibility.** All laws and rules governing professional
19 responsibility, unprofessional conduct and generally accepted standards of practice that
20 apply to a person licensed under this chapter also apply to that licensee while providing
21 telehealth services.

22 **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons
23 licensed under this chapter. These rules must establish standards of practice and
24 appropriate restrictions for the various types and forms of telehealth services. Rules
25 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter
26 375, subchapter 2-A.

27 **Sec. B-2. 32 MRSA c. 9, sub-c. 6** is enacted to read:

28 **SUBCHAPTER 6**

29 **TELEHEALTH SERVICES**

30 **§566. Definitions**

31 As used in this subchapter, unless the context otherwise indicates, the following terms
32 have the following meanings.

33 **1. Asynchronous encounter.** "Asynchronous encounter" means an interaction
34 between a patient and a person licensed under this chapter through a system that has the
35 ability to store digital information, including, but not limited to, still images, video files,
36 audio files, text files and other relevant data, and to transmit such information without
37 requiring the simultaneous presence of the patient and the person licensed under this
38 chapter.

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2. Store and forward transfer. "Store and forward transfer" means the transmission of a patient's records through a secure electronic system to a person licensed under this chapter.

3. Synchronous encounter. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a patient and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.

4. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

5. Telemonitoring. "Telemonitoring" means the use of information technology to remotely monitor a patient's health status via electronic means, allowing the person licensed under this chapter to track the patient's health data over time. Telemonitoring may be synchronous or asynchronous.

§567. Telehealth services permitted

A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this subchapter and in accordance with standards of practice.

§568. Confidentiality

When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

§569. Professional responsibility

All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

§570. Rulemaking

The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. B-3. 32 MRSA §1533 is enacted to read:

§1533. Telehealth services

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Asynchronous encounter" means an interaction between an individual and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the individual and the person licensed under this chapter.

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B. "Store and forward transfer" means the transmission of an individual's records through a secure electronic system to a person licensed under this chapter.

C. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between an individual and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.

D. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

E. "Telemonitoring" means the use of information technology to remotely monitor an individual's health status via electronic means, allowing the person licensed under this chapter to track the individual's health data over time. Telemonitoring may be synchronous or asynchronous.

2. Telehealth services permitted. A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this section and in accordance with standards of practice.

3. Confidentiality. When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

4. Professional responsibility. All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

5. Rulemaking. The director shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. B-4. 32 MRSA c. 31, sub-c. 7 is enacted to read:

SUBCHAPTER 7

TELEHEALTH SERVICES

§2266. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Asynchronous encounter. "Asynchronous encounter" means an interaction between a patient and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the patient and the person licensed under this chapter.

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2. Store and forward transfer. "Store and forward transfer" means the transmission of a patient's records through a secure electronic system to a person licensed under this chapter.

3. Synchronous encounter. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a patient and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.

4. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

5. Telemonitoring. "Telemonitoring" means the use of information technology to remotely monitor a patient's health status via electronic means, allowing the person licensed under this chapter to track the patient's health data over time. Telemonitoring may be synchronous or asynchronous.

§2267. Telehealth services permitted

A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this subchapter and in accordance with standards of practice.

§2268. Confidentiality

When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

§2269. Professional responsibility

All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

§2270. Rulemaking

The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. B-5. 32 MRSA §2287 is enacted to read:

§2287. Telehealth services

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Asynchronous encounter" means an interaction between a patient and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the patient and the person licensed under this chapter.

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B. "Store and forward transfer" means the transmission of a patient's records through a secure electronic system to a person licensed under this chapter.

C. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a patient and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.

D. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

E. "Telemonitoring" means the use of information technology to remotely monitor a patient's health status via electronic means, allowing the person licensed under this chapter to track the patient's health data over time. Telemonitoring may be synchronous or asynchronous.

2. Telehealth services permitted. A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this section and in accordance with standards of practice.

3. Confidentiality. When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

4. Professional responsibility. All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

5. Rulemaking. The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. B-6. 32 MRSA c. 34-A, sub-c. 6 is enacted to read:

SUBCHAPTER 6

TELEHEALTH SERVICES

§2447. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Asynchronous encounter. "Asynchronous encounter" means an interaction between a patient and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the patient and the person licensed under this chapter.

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2. Store and forward transfer. "Store and forward transfer" means the transmission of a patient's records through a secure electronic system to a person licensed under this chapter.

3. Synchronous encounter. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a patient and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.

4. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

5. Telemonitoring. "Telemonitoring" means the use of information technology to remotely monitor a patient's health status via electronic means, allowing the person licensed under this chapter to track the patient's health data over time. Telemonitoring may be synchronous or asynchronous.

§2448. Telehealth services permitted

A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this subchapter and in accordance with standards of practice.

§2449. Confidentiality

When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

§2450. Professional responsibility

All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

§2450-A. Rulemaking

The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. B-7. 32 MRSA c. 36, sub-c. 8 is enacted to read:

SUBCHAPTER 8

TELEHEALTH SERVICES

§2600-AA. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

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1. Asynchronous encounter. "Asynchronous encounter" means an interaction between a patient and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the patient and the person licensed under this chapter.

2. Store and forward transfer. "Store and forward transfer" means the transmission of a patient's records through a secure electronic system to a person licensed under this chapter.

3. Synchronous encounter. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a patient and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.

4. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

5. Telemonitoring. "Telemonitoring" means the use of information technology to remotely monitor a patient's health status via electronic means, allowing the person licensed under this chapter to track the patient's health data over time. Telemonitoring may be synchronous or asynchronous.

§2600-BB. Telehealth services permitted

A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this subchapter and in accordance with standards of practice.

§2600-CC. Confidentiality

When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

§2600-DD. Professional responsibility

All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

§2600-EE. Rulemaking

The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. B-8. 32 MRSA §3120 is enacted to read:

§3120. Telehealth services

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

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1 A. "Asynchronous encounter" means an interaction between a patient and a person
2 licensed under this chapter through a system that has the ability to store digital
3 information, including, but not limited to, still images, video files, audio files, text files
4 and other relevant data, and to transmit such information without requiring the
5 simultaneous presence of the patient and the person licensed under this chapter.

6 B. "Store and forward transfer" means the transmission of a patient's records through
7 a secure electronic system to a person licensed under this chapter.

8 C. "Synchronous encounter" means a real-time interaction conducted with an
9 interactive audio or video connection between a patient and a person licensed under
10 this chapter or between a person licensed under this chapter and another health care
11 provider.

12 D. "Telehealth services" means health care services delivered through the use of
13 information technology and includes synchronous encounters, asynchronous
14 encounters, store and forward transfers and telemonitoring.

15 E. "Telemonitoring" means the use of information technology to remotely monitor a
16 patient's health status via electronic means, allowing the person licensed under this
17 chapter to track the patient's health data over time. Telemonitoring may be
18 synchronous or asynchronous.

19 2. Telehealth services permitted. A person licensed under this chapter may provide
20 telehealth services as long as the licensee acts within the scope of practice of the licensee's
21 license, in accordance with any requirements and restrictions imposed by this section and
22 in accordance with standards of practice.

23 3. Confidentiality. When providing telehealth services, a person licensed under this
24 chapter shall comply with all state and federal confidentiality and privacy laws.

25 4. Professional responsibility. All laws and rules governing professional
26 responsibility, unprofessional conduct and generally accepted standards of practice that
27 apply to a person licensed under this chapter also apply to that licensee while providing
28 telehealth services.

29 5. Rulemaking. The board shall adopt rules governing telehealth services by persons
30 licensed under this chapter. These rules must establish standards of practice and
31 appropriate restrictions for the various types and forms of telehealth services. Rules
32 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter
33 375, subchapter 2-A.

34 **Sec. B-9. 32 MRSA c. 48, sub-c. 4 is enacted to read:**

35 **SUBCHAPTER 4**

36 **TELEHEALTH SERVICES**

37 **§3300-AA. Definitions**

38 As used in this subchapter, unless the context otherwise indicates, the following terms
39 have the following meanings.

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1. Asynchronous encounter. "Asynchronous encounter" means an interaction between a patient and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the patient and the person licensed under this chapter.

2. Store and forward transfer. "Store and forward transfer" means the transmission of a patient's records through a secure electronic system to a person licensed under this chapter.

3. Synchronous encounter. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a patient and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.

4. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

5. Telemonitoring. "Telemonitoring" means the use of information technology to remotely monitor a patient's health status via electronic means, allowing the person licensed under this chapter to track the patient's health data over time. Telemonitoring may be synchronous or asynchronous.

§3300-BB. Telehealth services permitted

A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this subchapter and in accordance with standards of practice.

§3300-CC. Confidentiality

When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

§3300-DD. Professional responsibility

All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

§3300-EE. Rulemaking

The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. B-10. 32 MRSA c. 51, sub-c. 4 is enacted to read:

SUBCHAPTER 4

TELEHEALTH SERVICES

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§3661. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Asynchronous encounter. "Asynchronous encounter" means an interaction between a patient and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the patient and the person licensed under this chapter.

2. Store and forward transfer. "Store and forward transfer" means the transmission of a patient's records through a secure electronic system to a person licensed under this chapter.

3. Synchronous encounter. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a patient and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.

4. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

5. Telemonitoring. "Telemonitoring" means the use of information technology to remotely monitor a patient's health status via electronic means, allowing the person licensed under this chapter to track the patient's health data over time. Telemonitoring may be synchronous or asynchronous.

§3662. Telehealth services permitted

A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this subchapter and in accordance with standards of practice.

§3663. Confidentiality

When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

§3664. Professional responsibility

All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

§3665. Rulemaking

The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. B-11. 32 MRSA c. 56, sub-c. 4 is enacted to read:

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SUBCHAPTER 4

TELEHEALTH SERVICES

§3841. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Asynchronous encounter. "Asynchronous encounter" means an interaction between a patient and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the patient and the person licensed under this chapter.

2. Store and forward transfer. "Store and forward transfer" means the transmission of a patient's records through a secure electronic system to a person licensed under this chapter.

3. Synchronous encounter. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a patient and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.

4. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

5. Telemonitoring. "Telemonitoring" means the use of information technology to remotely monitor a patient's health status via electronic means, allowing the person licensed under this chapter to track the patient's health data over time. Telemonitoring may be synchronous or asynchronous.

§3842. Telehealth services permitted

A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this subchapter and in accordance with standards of practice.

§3843. Confidentiality

When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

§3844. Professional responsibility

All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

§3845. Rulemaking

The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions

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for the various types and forms of telehealth services. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. B-12. 32 MRSA §4879 is enacted to read:

§4879. Telehealth services

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Asynchronous encounter" means an interaction between a patient and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the patient and the person licensed under this chapter.

B. "Store and forward transfer" means the transmission of a patient's records through a secure electronic system to a person licensed under this chapter.

C. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a patient and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.

D. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

E. "Telemonitoring" means the use of information technology to remotely monitor a patient's health status via electronic means, allowing the person licensed under this chapter to track the patient's health data over time. Telemonitoring may be synchronous or asynchronous.

2. Telehealth services permitted. A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this section and in accordance with standards of practice.

3. Confidentiality. When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

4. Professional responsibility. All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

5. Rulemaking. The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. B-13. 32 MRSA c. 81, sub-c. 5 is enacted to read:

SUBCHAPTER 5

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TELEHEALTH SERVICES

§6231. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Asynchronous encounter.** "Asynchronous encounter" means an interaction between a client and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the client and the person licensed under this chapter.

2. **Store and forward transfer.** "Store and forward transfer" means the transmission of a client's records through a secure electronic system to a person licensed under this chapter.

3. **Synchronous encounter.** "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a client and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.

4. **Telehealth services.** "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

5. **Telemonitoring.** "Telemonitoring" means the use of information technology to remotely monitor a client's health status via electronic means, allowing the person licensed under this chapter to track the client's health data over time. Telemonitoring may be synchronous or asynchronous.

§6232. Telehealth services permitted

A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this subchapter and in accordance with standards of practice.

§6233. Confidentiality

When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

§6234. Professional responsibility

All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

§6235. Rulemaking

The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

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Sec. B-14. 32 MRSA c. 83, sub-c. 4 is enacted to read:

SUBCHAPTER 4

TELEHEALTH SERVICES

§7071. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Asynchronous encounter. "Asynchronous encounter" means an interaction between a client and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the client and the person licensed under this chapter.

2. Store and forward transfer. "Store and forward transfer" means the transmission of a client's records through a secure electronic system to a person licensed under this chapter.

3. Synchronous encounter. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a client and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.

4. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

5. Telemonitoring. "Telemonitoring" means the use of information technology to remotely monitor a client's health status via electronic means, allowing the person licensed under this chapter to track the client's health data over time. Telemonitoring may be synchronous or asynchronous.

§7072. Telehealth services permitted

A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this subchapter and in accordance with standards of practice.

§7073. Confidentiality

When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

§7074. Professional responsibility

All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

§7075. Rulemaking

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The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. B-15. 32 MRSA §9714 is enacted to read:

§9714. Telehealth services

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Asynchronous encounter" means an interaction between a patient and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the patient and the person licensed under this chapter.

B. "Store and forward transfer" means the transmission of a patient's records through a secure electronic system to a person licensed under this chapter.

C. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a patient and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.

D. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

E. "Telemonitoring" means the use of information technology to remotely monitor a patient's health status via electronic means, allowing the person licensed under this chapter to track the patient's health data over time. Telemonitoring may be synchronous or asynchronous.

2. Telehealth services permitted. A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this section and in accordance with standards of practice.

3. Confidentiality. When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

4. Professional responsibility. All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

5. Rulemaking. The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. B-16. 32 MRSA §9863 is enacted to read:

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1 **§9863. Telehealth services**

2 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
3 following terms have the following meanings.

4 A. "Asynchronous encounter" means an interaction between a patient and a person
5 licensed under this chapter through a system that has the ability to store digital
6 information, including, but not limited to, still images, video files, audio files, text files
7 and other relevant data, and to transmit such information without requiring the
8 simultaneous presence of the patient and the person licensed under this chapter.

9 B. "Store and forward transfer" means the transmission of a patient's records through
10 a secure electronic system to a person licensed under this chapter.

11 C. "Synchronous encounter" means a real-time interaction conducted with an
12 interactive audio or video connection between a patient and a person licensed under
13 this chapter or between a person licensed under this chapter and another health care
14 provider.

15 D. "Telehealth services" means health care services delivered through the use of
16 information technology and includes synchronous encounters, asynchronous
17 encounters, store and forward transfers and telemonitoring.

18 E. "Telemonitoring" means the use of information technology to remotely monitor a
19 patient's health status via electronic means, allowing the person licensed under this
20 chapter to track the patient's health data over time. Telemonitoring may be
21 synchronous or asynchronous.

22 **2. Telehealth services permitted.** A person licensed under this chapter may provide
23 telehealth services as long as the licensee acts within the scope of practice of the licensee's
24 license, in accordance with any requirements and restrictions imposed by this section and
25 in accordance with standards of practice.

26 **3. Confidentiality.** When providing telehealth services, a person licensed under this
27 chapter shall comply with all state and federal confidentiality and privacy laws.

28 **4. Professional responsibility.** All laws and rules governing professional
29 responsibility, unprofessional conduct and generally accepted standards of practice that
30 apply to a person licensed under this chapter also apply to that licensee while providing
31 telehealth services.

32 **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons
33 licensed under this chapter. These rules must establish standards of practice and
34 appropriate restrictions for the various types and forms of telehealth services. Rules
35 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter
36 375, subchapter 2-A.

37 **Sec. B-17. 32 MRSA §9916** is enacted to read:

38 **§9916. Telehealth services**

39 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
40 following terms have the following meanings.

41 A. "Asynchronous encounter" means an interaction between an individual and a person
42 licensed under this chapter through a system that has the ability to store digital

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1 information, including, but not limited to, still images, video files, audio files, text files
2 and other relevant data, and to transmit such information without requiring the
3 simultaneous presence of the individual and the person licensed under this chapter.

4 B. "Store and forward transfer" means the transmission of an individual's records
5 through a secure electronic system to a person licensed under this chapter.

6 C. "Synchronous encounter" means a real-time interaction conducted with an
7 interactive audio or video connection between an individual and a person licensed
8 under this chapter or between a person licensed under this chapter and another health
9 care provider.

10 D. "Telehealth services" means health care services delivered through the use of
11 information technology and includes synchronous encounters, asynchronous
12 encounters, store and forward transfers and telemonitoring.

13 E. "Telemonitoring" means the use of information technology to remotely monitor an
14 individual's health status via electronic means, allowing the person licensed under this
15 chapter to track the individual's health data over time. Telemonitoring may be
16 synchronous or asynchronous.

17 **2. Telehealth services permitted.** A person licensed under this chapter may provide
18 telehealth services as long as the licensee acts within the scope of practice of the licensee's
19 license, in accordance with any requirements and restrictions imposed by this section and
20 in accordance with standards of practice.

21 **3. Confidentiality.** When providing telehealth services, a person licensed under this
22 chapter shall comply with all state and federal confidentiality and privacy laws.

23 **4. Professional responsibility.** All laws and rules governing professional
24 responsibility, unprofessional conduct and generally accepted standards of practice that
25 apply to a person licensed under this chapter also apply to that licensee while providing
26 telehealth services.

27 **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons
28 licensed under this chapter. These rules must establish standards of practice and
29 appropriate restrictions for the various types and forms of telehealth services. Rules
30 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter
31 375, subchapter 2-A.

32 **Sec. B-18. 32 MRSA c. 113-B, sub-c. 7** is enacted to read:

33 **SUBCHAPTER 7**

34 **TELEHEALTH SERVICES**

35 **§12611. Definitions**

36 As used in this subchapter, unless the context otherwise indicates, the following terms
37 have the following meanings.

38 **1. Asynchronous encounter.** "Asynchronous encounter" means an interaction
39 between a patient and a person licensed under this chapter through a system that has the
40 ability to store digital information, including, but not limited to, still images, video files,

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audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the patient and the person licensed under this chapter.

2. Store and forward transfer. "Store and forward transfer" means the transmission of a patient's records through a secure electronic system to a person licensed under this chapter.

3. Synchronous encounter. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a patient and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.

4. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

5. Telemonitoring. "Telemonitoring" means the use of information technology to remotely monitor a patient's health status via electronic means, allowing the person licensed under this chapter to track the patient's health data over time. Telemonitoring may be synchronous or asynchronous.

§12612. Telehealth services permitted

A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this subchapter and in accordance with standards of practice.

§12613. Confidentiality

When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

§12614. Professional responsibility

All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

§12615. Rulemaking

The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. B-19. 32 MRSA c. 117, sub-c. 15 is enacted to read:

SUBCHAPTER 15

TELEHEALTH SERVICES

§13848. Definitions

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COMMITTEE AMENDMENT "A" to S.P. 50, L.D. 791 (S-280)

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As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Asynchronous encounter. "Asynchronous encounter" means an interaction between a patient and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the patient and the person licensed under this chapter.

2. Store and forward transfer. "Store and forward transfer" means the transmission of a patient's records through a secure electronic system to a person licensed under this chapter.

3. Synchronous encounter. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a patient and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.

4. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

5. Telemonitoring. "Telemonitoring" means the use of information technology to remotely monitor a patient's health status via electronic means, allowing the person licensed under this chapter to track the patient's health data over time. Telemonitoring may be synchronous or asynchronous.

§13849. Telehealth services permitted

A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this subchapter and in accordance with standards of practice.

§13849-A. Confidentiality

When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

§13849-B. Professional responsibility

All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

§13849-C. Rulemaking

The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. B-20. 32 MRSA §13868 is enacted to read:

§13868. Telehealth services

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1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Asynchronous encounter" means an interaction between a client and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the client and the person licensed under this chapter.

B. "Store and forward transfer" means the transmission of a client's records through a secure electronic system to a person licensed under this chapter.

C. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between a client and a person licensed under this chapter or between a person licensed under this chapter and another health care provider.

D. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

E. "Telemonitoring" means the use of information technology to remotely monitor a client's health status via electronic means, allowing the person licensed under this chapter to track the client's health data over time. Telemonitoring may be synchronous or asynchronous.

2. Telehealth services permitted. A person licensed under this chapter may provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this section and in accordance with standards of practice.

3. Confidentiality. When providing telehealth services, a person licensed under this chapter shall comply with all state and federal confidentiality and privacy laws.

4. Professional responsibility. All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a person licensed under this chapter also apply to that licensee while providing telehealth services.

5. Rulemaking. The board shall adopt rules governing telehealth services by persons licensed under this chapter. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. B-21. 32 MRSA §14363 is enacted to read:

§14363. Telehealth services

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Asynchronous encounter" means an interaction between an individual and a person licensed under this chapter through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files

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1 and other relevant data, and to transmit such information without requiring the
2 simultaneous presence of the individual and the person licensed under this chapter.

3 B. "Store and forward transfer" means the transmission of individual's records through
4 a secure electronic system to a person licensed under this chapter.

5 C. "Synchronous encounter" means a real-time interaction conducted with an
6 interactive audio or video connection between an individual and a person licensed
7 under this chapter or between a person licensed under this chapter and another health
8 care provider.

9 D. "Telehealth services" means health care services delivered through the use of
10 information technology and includes synchronous encounters, asynchronous
11 encounters, store and forward transfers and telemonitoring.

12 E. "Telemonitoring" means the use of information technology to remotely monitor an
13 individual's health status via electronic means, allowing the person licensed under this
14 chapter to track the individual's health data over time. Telemonitoring may be
15 synchronous or asynchronous.

16 **2. Telehealth services permitted.** A person licensed under this chapter may provide
17 telehealth services as long as the licensee acts within the scope of practice of the licensee's
18 license, in accordance with any requirements and restrictions imposed by this section and
19 in accordance with standards of practice.

20 **3. Confidentiality.** When providing telehealth services, a person licensed under this
21 chapter shall comply with all state and federal confidentiality and privacy laws.

22 **4. Professional responsibility.** All laws and rules governing professional
23 responsibility, unprofessional conduct and generally accepted standards of practice that
24 apply to a person licensed under this chapter also apply to that licensee while providing
25 telehealth services.

26 **5. Rulemaking.** The commissioner shall adopt rules governing telehealth services by
27 persons licensed under this chapter. These rules shall establish standards of practice and
28 appropriate restrictions for the various types and forms of telehealth services. Rules
29 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter
30 375, subchapter 2-A.

31 **Sec. B-22. 32 MRSA c. 137, sub-c. 4** is enacted to read:

32 **SUBCHAPTER 4**

33 **TELEHEALTH SERVICES**

34 **§17401. Definitions**

35 As used in this subchapter, unless the context otherwise indicates, the following terms
36 have the following meanings.

37 **1. Asynchronous encounter.** "Asynchronous encounter" means an interaction
38 between a patient and a person licensed under this chapter through a system that has the
39 ability to store digital information, including, but not limited to, still images, video files,
40 audio files, text files and other relevant data, and to transmit such information without

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COMMITTEE AMENDMENT "A" to S.P. 50, L.D. 791 (S-280)

1 requiring the simultaneous presence of the patient and the person licensed under this
2 chapter.

3 **2. Store and forward transfer.** "Store and forward transfer" means the transmission
4 of a patient's records through a secure electronic system to a person licensed under this
5 chapter.

6 **3. Synchronous encounter.** "Synchronous encounter" means a real-time interaction
7 conducted with an interactive audio or video connection between a patient and a person
8 licensed under this chapter or between a person licensed under this chapter and another
9 health care provider.

10 **4. Telehealth services.** "Telehealth services" means health care services delivered
11 through the use of information technology and includes synchronous encounters,
12 asynchronous encounters, store and forward transfers and telemonitoring.

13 **5. Telemonitoring.** "Telemonitoring" means the use of information technology to
14 remotely monitor a patient's health status via electronic means, allowing the person licensed
15 under this chapter to track the patient's health data over time. Telemonitoring may be
16 synchronous or asynchronous.

17 **§17402. Telehealth services permitted**

18 A person licensed under this chapter may provide telehealth services as long as the
19 licensee acts within the scope of practice of the licensee's license, in accordance with any
20 requirements and restrictions imposed by this subchapter and in accordance with standards
21 of practice.

22 **§17403. Confidentiality**

23 When providing telehealth services, a person licensed under this chapter shall comply
24 with all state and federal confidentiality and privacy laws.

25 **§17404. Professional responsibility**

26 All laws and rules governing professional responsibility, unprofessional conduct and
27 generally accepted standards of practice that apply to a person licensed under this chapter
28 also apply to that licensee while providing telehealth services.

29 **§17405. Rulemaking**

30 The board shall adopt rules governing telehealth services by persons licensed under
31 this chapter. These rules must establish standards of practice and appropriate restrictions
32 for the various types and forms of telehealth services. Rules adopted pursuant to this section
33 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.'

34 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
35 number to read consecutively.

36 **SUMMARY**

37 This amendment, which is the majority report of the committee, replaces the bill, which
38 is a concept draft.

39 Part A does the following.



130th MAINE LEGISLATURE

LD 791

LR 633(02)

An Act Regarding Telehealth Regulations

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-28)
Committee: Health Coverage, Insurance and Financial Services
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the to the Department of Professional and Financial Regulation are expected to be minor and can be absorbed within existing budgeted resources.