

MAINE STATE LEGISLATURE

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L.D. 791

(Filing No. S-281)

Date: 6/14/21

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MINORITY
HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION

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

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

PART A

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

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~~ telemonitoring. "Telehealth" includes telephonic services when ~~interactive telehealth services are unavailable or when a telephonic service is medically appropriate for the underlying covered service~~ the patient has an established relationship with a provider, including at least one in-person visit within the previous 18 months, and the provider has notified the patient in advance that the telephonic service is a billable service.

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

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.

COMMITTEE AMENDMENT

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

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. As authorized in this section, "telehealth" includes the use of audio-only telephone.~~

~~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.~~

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

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 amended to read:

5. Coverage for telephonic services. A carrier shall provide coverage for telephonic services ~~when scheduled telehealth services are technologically unavailable at the time of the scheduled telehealth service for an existing enrollee and the telephonic services are medically appropriate for the corresponding covered health care services~~ only if the provider and enrollee have an established relationship, including at least one in-person consultation within the previous 18 months, and the provider has notified the enrollee in advance that the telephonic services are billable services.

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.

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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.

§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. Telehealth services include the use of audio-only telephone only if a person licensed under this chapter has an established relationship with the patient, including at least one in-person visit within the previous 18 months, and the licensee has notified the patient in advance that the service is a billable service.

§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.

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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.

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. Telehealth services include the use of audio-only telephone only if a person licensed under this chapter has an established relationship with the patient, including at least one in-person visit within the previous 18 months, and the licensee has notified the patient in advance that the service is a billable service.

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:

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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.

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. Telehealth services include the use of audio-only telephone only if a person licensed under this chapter has an established relationship with the patient, including at least one in-person visit within the previous 18 months, and the licensee has notified the patient in advance that the service is a billable service.

§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.

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§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.

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. Telehealth services include the use of audio-only telephone only if a person licensed under this chapter has an established relationship with the patient, including at least one in-person visit within the previous 18 months, and the licensee has notified the patient in advance that the service is a billable service.

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

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1 appropriate restrictions for the various types and forms of telehealth services. Rules
2 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter
3 375, subchapter 2-A.

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

5 SUBCHAPTER 6

6 TELEHEALTH SERVICES

7 §2447. Definitions

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

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

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

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

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

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

30 §2448. Telehealth services permitted

31 A person licensed under this chapter may provide telehealth services as long as the
32 licensee acts within the scope of practice of the licensee's license, in accordance with any
33 requirements and restrictions imposed by this subchapter and in accordance with standards
34 of practice. Telehealth services include the use of audio-only telephone only if a person
35 licensed under this chapter has an established relationship with the patient, including at
36 least one in-person visit within the previous 18 months, and the licensee has notified the
37 patient in advance that the service is a billable service.

38 §2449. Confidentiality

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

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1 **§2450. Professional responsibility**

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

5 **§2450-A. Rulemaking**

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

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

11 **SUBCHAPTER 8**

12 **TELEHEALTH SERVICES**

13 **§2600-AA. Definitions**

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

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

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

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

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

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

36 **§2600-BB. Telehealth services permitted**

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

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of practice. Telehealth services include the use of audio-only telephone only if a person licensed under this chapter has an established relationship with the patient, including at least one in-person visit within the previous 18 months, and the licensee has notified the patient in advance that the service is a billable service.

§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.

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. Telehealth services include the use of audio-only

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1 telephone only if a person licensed under this chapter has an established relationship with
2 the patient, including at least one in-person visit within the previous 18 months, and the
3 licensee has notified the patient in advance that the service is a billable service.

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

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

10 **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons
11 licensed under this chapter. These rules must establish standards of practice and
12 appropriate restrictions for the various types and forms of telehealth services. Rules
13 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter
14 375, subchapter 2-A.

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

16 **SUBCHAPTER 4**

17 **TELEHEALTH SERVICES**

18 **§3300-AA. Definitions**

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

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

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

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

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

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

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§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. Telehealth services include the use of audio-only telephone only if a person licensed under this chapter has an established relationship with the patient, including at least one in-person visit within the previous 18 months, and the licensee has notified the patient in advance that the service is a billable service.

§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

§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.

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

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

8 **§3662. Telehealth services permitted**

9 A person licensed under this chapter may provide telehealth services as long as the
10 licensee acts within the scope of practice of the licensee's license, in accordance with any
11 requirements and restrictions imposed by this subchapter and in accordance with standards
12 of practice. Telehealth services include the use of audio-only telephone only if a person
13 licensed under this chapter has an established relationship with the patient, including at
14 least one in-person visit within the previous 18 months, and the licensee has notified the
15 patient in advance that the service is a billable service.

16 **§3663. Confidentiality**

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

19 **§3664. Professional responsibility**

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

23 **§3665. Rulemaking**

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

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

29 **SUBCHAPTER 4**

30 **TELEHEALTH SERVICES**

31 **§3841. Definitions**

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

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

§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. Telehealth services include the use of audio-only telephone only if a person licensed under this chapter has an established relationship with the patient, including at least one in-person visit within the previous 18 months, and the licensee has notified the patient in advance that the service is a billable service.

§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 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 MRS §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

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- 1 and other relevant data, and to transmit such information without requiring the
- 2 simultaneous presence of the patient and the person licensed under this chapter.
- 3 B. "Store and forward transfer" means the transmission of a patient'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 a patient and a person licensed under
- 7 this chapter or between a person licensed under this chapter and another health care
- 8 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 a
- 13 patient's health status via electronic means, allowing the person licensed under this
- 14 chapter to track the patient'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. Telehealth services include the use of audio-only
 20 telephone only if a person licensed under this chapter has an established relationship with
 21 the patient, including at least one in-person visit within the previous 18 months, and the
 22 licensee has notified the patient in advance that the service is a billable service.

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

35 **SUBCHAPTER 5**

36 **TELEHEALTH SERVICES**

37 **§6231. 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 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. Telehealth services include the use of audio-only telephone only if a person licensed under this chapter has an established relationship with the patient, including at least one in-person visit within the previous 18 months, and the licensee has notified the patient in advance that the service is a billable service.

§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.

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

SUBCHAPTER 4

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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. Telehealth services include the use of audio-only telephone only if a person licensed under this chapter has an established relationship with the patient, including at least one in-person visit within the previous 18 months, and the licensee has notified the patient in advance that the service is a billable service.

§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

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-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. Telehealth services include the use of audio-only telephone only if a person licensed under this chapter has an established relationship with the patient, including at least one in-person visit within the previous 18 months, and the licensee has notified the patient in advance that the service is a billable service.

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.

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

2 **§9863. Telehealth services**

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

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

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

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

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

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

23 **2. Telehealth services permitted.** A person licensed under this chapter may provide
24 telehealth services as long as the licensee acts within the scope of practice of the licensee's
25 license, in accordance with any requirements and restrictions imposed by this section and
26 in accordance with standards of practice. Telehealth services include the use of audio-only
27 telephone only if a person licensed under this chapter has an established relationship with
28 the patient, including at least one in-person visit within the previous 18 months, and the
29 licensee has notified the patient in advance that the service is a billable service.

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

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

36 **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons
37 licensed under this chapter. These rules must establish standards of practice and
38 appropriate restrictions for the various types and forms of telehealth services. Rules
39 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter
40 375, subchapter 2-A.

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

42 **§9916. 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 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.

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. Telehealth services include the use of audio-only telephone only if a person licensed under this chapter has an established relationship with the patient, including at least one in-person visit within the previous 18 months, and the licensee has notified the patient in advance that the service is a billable service.

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-18. 32 MRS c. 113-B, sub-c. 7 is enacted to read:

SUBCHAPTER 7

TELEHEALTH SERVICES

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1 **§12611. Definitions**

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

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

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

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

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

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

24 **§12612. Telehealth services permitted**

25 A person licensed under this chapter may provide telehealth services as long as the
26 licensee acts within the scope of practice of the licensee's license, in accordance with any
27 requirements and restrictions imposed by this subchapter and in accordance with standards
28 of practice. Telehealth services include the use of audio-only telephone only if a person
29 licensed under this chapter has an established relationship with the patient, including at
30 least one in-person visit within the previous 18 months, and the licensee has notified the
31 patient in advance that the service is a billable service.

32 **§12613. Confidentiality**

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

35 **§12614. Professional responsibility**

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

39 **§12615. Rulemaking**

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

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

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

4 **SUBCHAPTER 15**

5 **TELEHEALTH SERVICES**

6 **§13848. Definitions**

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

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

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

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

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

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

29 **§13849. Telehealth services permitted**

30 A person licensed under this chapter may provide telehealth services as long as the
31 licensee acts within the scope of practice of the licensee's license, in accordance with any
32 requirements and restrictions imposed by this subchapter and in accordance with standards
33 of practice. Telehealth services include the use of audio-only telephone only if a person
34 licensed under this chapter has an established relationship with the patient, including at
35 least one in-person visit within the previous 18 months, and the licensee has notified the
36 patient in advance that the service is a billable service.

37 **§13849-A. Confidentiality**

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

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§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

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. Telehealth services include the use of audio-only telephone only if a person licensed under this chapter has an established relationship with the patient, including at least one in-person visit within the previous 18 months, and the licensee has notified the patient in advance that the service is a billable service.

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

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1 apply to a person licensed under this chapter also apply to that licensee while providing
2 telehealth services.

3 **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons
4 licensed under this chapter. These rules must establish standards of practice and
5 appropriate restrictions for the various types and forms of telehealth services. Rules
6 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter
7 375, subchapter 2-A.

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

9 **§14363. Telehealth services**

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

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

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

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

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

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

30 **2. Telehealth services permitted.** A person licensed under this chapter may provide
31 telehealth services as long as the licensee acts within the scope of practice of the licensee's
32 license, in accordance with any requirements and restrictions imposed by this section and
33 in accordance with standards of practice. Telehealth services include the use of audio-only
34 telephone only if a person licensed under this chapter has an established relationship with
35 the patient, including at least one in-person visit within the previous 18 months, and the
36 licensee has notified the patient in advance that the service is a billable service.

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

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

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5. Rulemaking. The commissioner shall adopt rules governing telehealth services by persons licensed under this chapter. These rules shall 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-22. 32 MRSA c. 137, sub-c. 4 is enacted to read:

SUBCHAPTER 4

TELEHEALTH SERVICES

§17401. 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.

§17402. 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. Telehealth services include the use of audio-only telephone only if a person licensed under this chapter has an established relationship with the patient, including at least one in-person visit within the previous 18 months, and the licensee has notified the patient in advance that the service is a billable service.

§17403. Confidentiality

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COMMITTEE AMENDMENT "B" to S.P. 50, L.D. 791 (S-281)

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

§17404. 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.

§17405. 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.'

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

SUMMARY

This amendment, which is the minority report of the committee, replaces the concept draft. The amendment incorporates all of Committee Amendment "A" except for the treatment of telephonic services. The amendment authorizes the use of audio-only telephonic services as a component of telehealth services only if the licensed provider has an established relationship with the individual receiving the service, including at least one in-person visit within the previous 18 months, and the provider has notified the individual in advance that the service is a billable service.

FISCAL NOTE REQUIRED

(See attached)



Approved: 06/09/21 *MAC*

130th MAINE LEGISLATURE

LD 791

LR 633(03)

An Act Regarding Telehealth Regulations

Fiscal Note for Bill as Amended by Committee Amendment "B" (S-281)
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.