

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1361

S.P. 448

In Senate, April 7, 2021

An Act To Amend Telehealth Laws Regarding Out-of-state Telehealth Provisions

Received by the Secretary of the Senate on April 5, 2021. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator STEWART of Aroostook.
Cosponsored by Senator: TIMBERLAKE of Androscoggin, Representative: MORRIS of
Turner.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24-A MRSA §4316, sub-§1, ¶C**, as enacted by PL 2019, c. 289, §2, is
3 amended to read:

4 C. "Telehealth," as it pertains to the delivery of health care services, means the use of
5 ~~interactive real-time visual and audio or other electronic media~~ electronic audio or
6 visual communications and information technologies or other means of communication
7 between a telehealth provider in one location and an enrollee in another location
8 directly or through another health care provider for the purpose of consultation and
9 education concerning and diagnosis, treatment, care management and self-management
10 of an enrollee's physical and mental health and includes real-time interaction between
11 the enrollee and the telehealth provider, synchronous encounters, asynchronous
12 encounters, store and forward transfers, remote monitoring and telemonitoring.
13 "Telehealth" ~~does not include the use of audio-only telephone, facsimile machine, e-~~
14 ~~mail or texting.~~

15 **Sec. 2. 32 MRSA §2600-G** is enacted to read:

16 **§2600-G. Exemption for licensed individual consulting through telehealth**

17 **1. Definition.** For the purposes of this section, "telehealth" has the same meaning as
18 in Title 24-A, section 4316, subsection 1, paragraph C.

19 **2. Licensed individual consulting through telehealth.** An individual located in
20 another state who holds a current unrestricted license to practice osteopathic medicine in
21 that state may engage in consultation through telehealth with an individual licensed to
22 practice osteopathic medicine under this chapter without being licensed under this chapter.

23 **3. Restrictions.** An individual authorized to provide consultation through telehealth
24 under subsection 2 may not provide medical services at a health care facility in this State,
25 including a hospital, ambulatory surgical facility or any other facility where medical care,
26 diagnosis or treatment is provided on an inpatient or outpatient basis without being licensed
27 under this chapter.

28 **Sec. 3. 32 MRSA §3270-H** is enacted to read:

29 **§3270-H. Exemption for licensed individual consulting through telehealth**

30 **1. Definition.** For the purposes of this section, "telehealth" has the same meaning as
31 in Title 24-A, section 4316, subsection 1, paragraph C.

32 **2. Licensed individual consulting through telehealth.** An individual located in
33 another state who holds a current unrestricted license to practice medicine or surgery in
34 that state may engage in consultation through telehealth with an individual licensed to
35 practice medicine or surgery under this chapter without being licensed under this chapter.

36 **3. Restrictions.** An individual authorized to provide consultation through telehealth
37 under subsection 2 may not provide medical services at a health care facility in this State,
38 including a hospital, ambulatory surgical facility or any other facility where medical care,
39 diagnosis or treatment is provided on an inpatient or outpatient basis without being licensed
40 under this chapter.

41 **Sec. 4. 32 MRSA §3300-D**, as enacted by PL 2015, c. 137, §1, is repealed.

SUMMARY

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This bill amends the definition of "telehealth" in the health plan requirements of the Maine Insurance Code by clarifying that telehealth is the provision through electronic means of health care services from a telehealth provider in one location and an enrollee in another location directly or through another health care provider, by clarifying which electronic means are allowed for providing telehealth and by removing the exclusion of audio-only telephone, facsimile machine, e-mail or texting from the definition. The bill also repeals the provisions requiring the registration of out-of-state physicians providing telehealth consulting services and replacing the provisions with only the requirement that the out-of-state physician possess an unrestricted license in medicine in the state from which the physician is located when providing the consulting services and adds a similar provision in the provisions regarding licensure of osteopathic physicians.