

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1681

S.P. 542

In Senate, May 6, 2021

**An Act Regarding Telehealth Services for Certain Licensees of the
Office of Professional and Occupational Regulation and Certain
Licensees Affiliated with the Department of Professional and
Financial Regulation**

Received by the Secretary of the Senate on May 4, 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 SANBORN of Cumberland. (GOVERNOR'S BILL)

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

2 **Sec. 1. 32 MRSA §69** is enacted to read:

3 **§69. Telehealth services**

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

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

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

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

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

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

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

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

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

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

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

40 **SUBCHAPTER 6**

1 TELEHEALTH SERVICES

2 **§566. Definitions**

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

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

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

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

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

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

25 **§567. Telehealth services permitted**

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

30 **§568. Confidentiality**

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

33 **§569. Professional responsibility**

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

37 **§570. Rulemaking**

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

1 **§2266. 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 **§2267. 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.

29 **§2268. Confidentiality**

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

32 **§2269. Professional responsibility**

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

36 **§2270. Rulemaking**

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

41 **Sec. 5. 32 MRSA §2287** is enacted to read:

1 **§2287. 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. 6. 32 MRSA c. 34-A, sub-c. 6 is enacted to read:**

38 **SUBCHAPTER 6**

39 **TELEHEALTH SERVICES**

40 **§2447. Definitions**

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

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

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

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

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

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

23 **§2448. Telehealth services permitted**

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

28 **§2449. Confidentiality**

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

31 **§2450. Professional responsibility**

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

35 **§2450-A. Rulemaking**

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

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

41 **SUBCHAPTER 8**

1 TELEHEALTH SERVICES

2 **§2600-AA. Definitions**

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

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

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

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

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

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

25 **§2600-BB. Telehealth services permitted**

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

30 **§2600-CC. Confidentiality**

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

33 **§2600-DD. Professional responsibility**

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

37 **§2600-EE. Rulemaking**

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

1 **Sec. 8. 32 MRSA §3120** is enacted to read:

2 **§3120. 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.

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

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

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

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

39 **SUBCHAPTER 4**

40 **TELEHEALTH SERVICES**

1 **§3300-AA. 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 **§3300-BB. 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.

29 **§3300-CC. Confidentiality**

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

32 **§3300-DD. Professional responsibility**

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

36 **§3300-EE. Rulemaking**

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

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

1 **SUBCHAPTER 4**

2 **TELEHEALTH SERVICES**

3 **§3661. Definitions**

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

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

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

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

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

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

26 **§3662. Telehealth services permitted**

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

31 **§3663. Confidentiality**

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

34 **§3664. Professional responsibility**

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

38 **§3665. Rulemaking**

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

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

4 **SUBCHAPTER 4**

5 **TELEHEALTH SERVICES**

6 **§3841. 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 **§3842. 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.

34 **§3843. Confidentiality**

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

37 **§3844. Professional responsibility**

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

4 **§3845. Rulemaking**

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

9 **Sec. 12. 32 MRSA §4879** is enacted to read:

10 **§4879. Telehealth services**

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

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

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

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

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

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

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

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

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

41 **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons
42 licensed under this chapter. These rules must establish standards of practice and

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

5 **SUBCHAPTER 5**

6 **TELEHEALTH SERVICES**

7 **§6231. 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 client 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 client and the person licensed under this chapter.

15 **2. Store and forward transfer.** "Store and forward transfer" means the transmission
16 of a client'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 client 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 client's health status via electronic means, allowing the person licensed
27 under this chapter to track the client's health data over time. Telemonitoring may be
28 synchronous or asynchronous.

29 **§6232. 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.

34 **§6233. Confidentiality**

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

37 **§6234. Professional responsibility**

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

4 **§6235. Rulemaking**

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

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

10 **SUBCHAPTER 4**

11 **TELEHEALTH SERVICES**

12 **§7071. Definitions**

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

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

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

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

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

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

34 **§7072. Telehealth services permitted**

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

39 **§7073. Confidentiality**

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

3 **§7074. Professional responsibility**

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

7 **§7075. Rulemaking**

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

12 **Sec. 15. 32 MRSA §9714** is enacted to read:

13 **§9714. Telehealth services**

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

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

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

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

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

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

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

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

40 **4. Professional responsibility.** All laws and rules governing professional
41 responsibility, unprofessional conduct and generally accepted standards of practice that

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. 16. 32 MRSA §9863** is enacted to read:

9 **§9863. 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 a patient 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 patient and the person licensed under this chapter.

17 B. "Store and forward transfer" means the transmission of a patient'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 a patient and a person licensed under
21 this chapter or between a person licensed under this chapter and another health care
22 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 a
27 patient's health status via electronic means, allowing the person licensed under this
28 chapter to track the patient'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.

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

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

40 **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons
41 licensed under this chapter. These rules must establish standards of practice and
42 appropriate restrictions for the various types and forms of telehealth services. Rules

1 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter
2 375, subchapter 2-A.

3 **Sec. 17. 32 MRSA §9916** is enacted to read:

4 **§9916. Telehealth services**

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

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

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

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

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

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

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

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

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

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

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

41 **SUBCHAPTER 7**

1 TELEHEALTH SERVICES

2 **§12611. Definitions**

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

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

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

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

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

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

25 **§12612. Telehealth services permitted**

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

30 **§12613. Confidentiality**

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

33 **§12614. Professional responsibility**

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

37 **§12615. Rulemaking**

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

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

2 **SUBCHAPTER 15**

3 **TELEHEALTH SERVICES**

4 **§13848. Definitions**

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

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

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

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

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

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

27 **§13849. Telehealth services permitted**

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

32 **§13849-A. 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 **§13849-B. 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 **§13849-C. Rulemaking**

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

5 **Sec. 20. 32 MRSA §13868** is enacted to read:

6 **§13868. Telehealth services**

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

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

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

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

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

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

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

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

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

37 **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons
38 licensed under this chapter. These rules must establish standards of practice and
39 appropriate restrictions for the various types and forms of telehealth services. Rules
40 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter
41 375, subchapter 2-A.

42 **Sec. 21. 32 MRSA §14363** is enacted to read:

1 **§14363. 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 an individual 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 individual and the person licensed under this chapter.

9 B. "Store and forward transfer" means the transmission of individual'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 an individual and a person licensed
13 under this chapter or between a person licensed under this chapter and another health
14 care 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 an
19 individual's health status via electronic means, allowing the person licensed under this
20 chapter to track the individual'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 commissioner shall adopt rules governing telehealth services by
33 persons licensed under this chapter. These rules shall 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. 22. 32 MRSA c. 137, sub-c. 4** is enacted to read:

38 **SUBCHAPTER 4**

39 **TELEHEALTH SERVICES**

40 **§17401. Definitions**

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

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

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

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

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

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

23 **§17402. Telehealth services permitted**

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

28 **§17403. Confidentiality**

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

31 **§17404. Professional responsibility**

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

35 **§17405. Rulemaking**

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

SUMMARY

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This bill permits health care providers licensed under the Department of Professional and Financial Regulation to 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 law and in accordance with standards of practice. The bill defines "telehealth services" and authorizes licensing entities to adopt rules to establish standards of practice and restrictions for telehealth services.