

<b>PROPOSED DRAFT COMMITTEE AMENDMENT:</b> <b>LD 791, An Act Regarding Telehealth Regulations</b>
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*Note: Replaces concept draft*

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

**Part A**

**Sec. A-1.** 22 MRSA §3173-H is amended to read:

**§3173-H. Services delivered through telehealth**

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

A. "Asynchronous encounters" means the interaction or consultation between a patient and the patient's provider or between health professionals regarding the patient 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.

A-1. "Health professional" means a provider or an individual, facility or organization with whom a provider consults in order to provide care to a patient.

A-2. "Patient" means a MaineCare member.

A-3. "Provider" means an individual, a facility or an organization that provides services under the MaineCare program.

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

C. "Synchronous encounters" means a real-time interaction conducted with interactive audio or video connection between a patient and the patient's provider or between health professionals regarding the patient.

D. "Telehealth," as it pertains to the delivery of MaineCare services, means the use of information technology ~~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~~ 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 telemonitoring ~~remote patient monitoring.~~ "Telehealth" includes telephonic services when interactive telehealth services are unavailable or when a telephonic service is medically appropriate for the underlying covered service.

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.

**2. Grants.** The department may solicit, apply for and receive grants that support the development of the technology infrastructure necessary to support the delivery of MaineCare services through telehealth and that support access to equipment, technical support and education related to telehealth for providers.

**3. Annual report.** Beginning January 1, 2018 and annually thereafter, the department shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the use of telehealth in the MaineCare program, including the number of providers providing telehealth and telemonitoring services, the number of patients served by telehealth and telemonitoring services and a summary of grants applied for and received related to telehealth and telemonitoring.

**4. Education.** The department shall conduct educational outreach to providers and MaineCare members on telehealth and telemonitoring services.

**5. Rules.** The department shall adopt routine technical rules as defined by Title 5, chapter 375, subchapter 2-A to carry out the provisions of this section. Rules adopted by the department:

- A. May not include any requirement that a patient have a certain number of emergency room visits or hospitalizations related to the patient's diagnosis in the criteria for a patient's eligibility for telemonitoring services;
- B. Except as provided in paragraph E, must include qualifying criteria for a patient's eligibility for telemonitoring services that include documentation in a patient's medical record that the patient is at risk of hospitalization or admission to an emergency room;
- C. Must provide that group therapy for behavioral health or addiction services covered by the MaineCare program may be delivered through telehealth;
- D. Must include requirements for providers providing telehealth and telemonitoring services; and
- E. Must allow at least some portion of case management services covered by the MaineCare program to be delivered through telehealth, without requiring qualifying criteria regarding a patient's risk of hospitalization or admission to an emergency room.

**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-2.** 24-A MRSA 24-A MRSA §4316 is amended to read:

**§4316. Coverage for telehealth services**

**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 information technology 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 and includes real-time interaction between the enrollee and the telehealth provider, synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring. "Telehealth" does not include the use of audio only telephone, facsimile machine, e-mail or texting.~~

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

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

**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 with the scope of practice of the provider's license and in accordance with any rules adopted by the board 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.

**3. Coverage for telehealth services.** Except as provided in this section, a carrier shall provide coverage for any medically necessary health care service delivered through telehealth as long as the following requirements are met.

A. The health care service is otherwise covered under an enrollee's health plan.

B. The health care service delivered by telehealth is of comparable quality to the health care service delivered through in-person consultation.

C. Prior authorization is required for telehealth services only if prior authorization is required for the corresponding covered health care service. An in-person consultation prior to the delivery of services through telehealth is not required.

D. Coverage for telehealth services is not limited in any way on the basis of geography, location or distance for travel.

E. The carrier shall require that a clinical evaluation is conducted either in person or through telehealth before a provider may write a prescription that is covered.

F. The carrier shall provide coverage for the treatment of 2 or more persons who are enrolled in the carrier's health plan at the same time through telehealth, including counseling for substance use disorders involving opioids.

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.

**4. Telemonitoring requirements.** A carrier shall provide coverage for telemonitoring if:

A. The telemonitoring is intended to collect an enrollee's health-related data, including, but not limited to, pulse and blood pressure readings, that assist a provider in monitoring and assessing the enrollee's medical condition;

B. The telemonitoring is medically necessary for the enrollee;

C. The enrollee is cognitively and physically capable of operating the mobile health devices the enrollee has a caregiver willing and able to assist with the mobile health devices; and

D. The enrollee's residence is suitable for telemonitoring. If the residence appears unable to support telemonitoring, the telemonitoring may not be provided unless necessary adaptations are made.

~~**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.~~

**6. Utilization review.** This section does not prohibit or limit a carrier from conducting a utilization review for telehealth services as long as the utilization review is conducted in the same manner and uses the same clinical review criteria as a utilization review for an in-person consultation for the same service.

**7. Provider eligibility.** In order to be eligible for reimbursement under this section, a provider providing health care services through telehealth must be acting within the scope of the provider's license. A carrier may not impose additional credentialing requirements or prior approval requirements for a provider as a condition of reimbursement for health care services provided under this section unless those credentialing requirements or prior approval requirements are the same as those imposed for a provider that does not provide health care services through telehealth.

**8. Telehealth equipment.** A carrier may not require a provider to use specific telecommunications technology and equipment as a condition of coverage under this section as long as the provider uses telecommunications technology and equipment that comply with current industry interoperability standards and that comply with standards required under the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 and regulations promulgated under that Act.

**9. Medicare coverage policy.** A carrier may provide coverage for health care services delivered through telehealth that is consistent with the Medicare coverage policy for interprofessional Internet consultations. If a carrier provides coverage consistent with the Medicare coverage policy for interprofessional Internet consultations, the carrier may also provide coverage for interprofessional Internet consultations that are provided by a federally qualified health center or rural health clinic as defined in 42 United States Code, Section 1395x, subsection (aa)(1993).

**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 MRS §69** is enacted to read:

### **§69. Telehealth services**

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

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

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

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

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

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

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

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

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

**5. Rulemaking.** The 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-2. 32 MRSA c. 9, sub-c. 6 is enacted to read:

## **SUBCHAPTER 6**

### **TELEHEALTH SERVICES**

#### **§566. 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.

#### **§567. Telehealth services permitted**

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

#### **§568. Confidentiality**

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

#### **§569. Professional responsibility**

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

#### **§570. Rulemaking**

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

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

**§1533. Telehealth services**

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

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

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

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

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

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

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

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

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

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

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

**SUBCHAPTER 7**

**TELEHEALTH SERVICES**

**§2266. Definitions**

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

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

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

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

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

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

**§2267. Telehealth services permitted**

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

**§2268. Confidentiality**

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

**§2269. Professional responsibility**

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

**§2270. Rulemaking**

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

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

**§2287. Telehealth services**

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

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

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

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

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

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

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

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

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

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

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

## SUBCHAPTER 6

### TELEHEALTH SERVICES

#### §2447. Definitions

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

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

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

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

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

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

**§2448. Telehealth services permitted**

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

**§2449. Confidentiality**

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

**§2450. Professional responsibility**

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

**§2450-A. Rulemaking**

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

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

**SUBCHAPTER 8**

**TELEHEALTH SERVICES**

**§2600-AA. Definitions**

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

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

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

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

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

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

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

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

**§2600-CC. Confidentiality**

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

**§2600-DD. Professional responsibility**

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

**§2600-EE. Rulemaking**

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

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

**§3120. Telehealth services**

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

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

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

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

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

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

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

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

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

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

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

#### **SUBCHAPTER 4**

#### **TELEHEALTH SERVICES**

##### **§3300-AA. 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.

##### **§3300-BB. Telehealth services permitted**

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

##### **§3300-CC. Confidentiality**

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

**§3300-DD. Professional responsibility**

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

**§3300-EE. Rulemaking**

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

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

**SUBCHAPTER 4**

**TELEHEALTH SERVICES**

**§3661. Definitions**

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

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

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

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

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

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

**§3662. Telehealth services permitted**

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

**§3663. Confidentiality**

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

**§3664. Professional responsibility**

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

**§3665. Rulemaking**

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

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

**SUBCHAPTER 4**

**TELEHEALTH SERVICES**

**§3841. Definitions**

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

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

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

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

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

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

**§3842. Telehealth services permitted**

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

**§3843. Confidentiality**

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

**§3844. Professional responsibility**

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

**§3845. Rulemaking**

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

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

**§4879. Telehealth services**

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

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

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

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

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

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

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

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

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

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

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

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

## SUBCHAPTER 5

### TELEHEALTH SERVICES

#### §6231. Definitions

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

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

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

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

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

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

#### §6232. Telehealth services permitted

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

#### §6233. Confidentiality

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

#### §6234. Professional responsibility

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

#### §6235. Rulemaking

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

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

#### **SUBCHAPTER 4**

#### **TELEHEALTH SERVICES**

##### **§7071. Definitions**

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

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

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

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

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

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

##### **§7072. Telehealth services permitted**

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

##### **§7073. Confidentiality**

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

##### **§7074. Professional responsibility**

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

##### **§7075. Rulemaking**

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

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

**§9714. Telehealth services**

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

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

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

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

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

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

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

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

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

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

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

**§9863. Telehealth services**

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

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

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

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

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

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

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

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

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

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

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

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

**§9916. 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.

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

## SUBCHAPTER 7

### TELEHEALTH SERVICES

#### §12611. 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.

#### §12612. Telehealth services permitted

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

**§12613. Confidentiality**

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

**§12614. Professional responsibility**

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

**§12615. Rulemaking**

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

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

**SUBCHAPTER 15**

**TELEHEALTH SERVICES**

**§13848. Definitions**

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

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

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

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

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

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

**§13849. Telehealth services permitted**

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

**§13849-A. Confidentiality**

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

**§13849-B. Professional responsibility**

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

**§13849-C. Rulemaking**

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

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

**§13868. Telehealth services**

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

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

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

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

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

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

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

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

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

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

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

**§14363. Telehealth services**

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

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

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

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

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

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

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

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

**5. Rulemaking.** The 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.

### §17403. Confidentiality

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.

## SUMMARY

This bill replaces the concept draft and does the following.

Part A makes necessary changes to the definition of “telehealth” in Title 22 and 24-A for consistency.

Part A allows patients receiving MaineCare health services to provide verbal, electronic or written consent to telehealth and telemonitoring services.

Part A makes clear that a health insurance carrier must provide coverage for a health care service through telehealth as long as the provider is acting within the scope of practice of the provider’s license and in accordance with any rules adopted by the board that issued the provider’s license related to standards of practice for the delivery of a health care service through telehealth. It also removes restrictions related to the technology used to provide services through telehealth.

Part A prohibits a carrier from placing 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.

Part A clarifies that the availability of health care services through telehealth may not be considered for the purposes of demonstrating network adequacy.

Part B 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.

DRAFT