



Maryland
Hospital Association

July 8, 2019

Jake Whitaker, Acting Director
Office of Regulation and Policy Coordination
Maryland Department of Health
201 West Preston Street, 5th Floor
Baltimore, Maryland 21201-2301

Reference: MHA comments on COMAR 10.09.49 Telehealth Services-support with clarifications and amendments based on further stakeholder feedback.

Dear Mr. Whitaker:

On behalf of the Maryland Hospital Association's (MHA) 62-member hospitals and health system members, we appreciate the opportunity to submit comments regarding the amended regulations, COMAR 10.09.45 Telehealth Services, as published in Volume 46, Issue 12 of the Maryland Register on June 7, 2019. MHA appreciates the state's efforts to expand telehealth services by removing current restrictions on the types of providers who may seek reimbursement from Medicaid. MHA is concerned with two provisions that have been included in the initial draft of the regulations. MHA requests further considerations.

MHA requests clarification on the amendment under section [.07].06 Provider Conditions of Participation related to scope of practice. MHA supports Medicaid removing the restrictions on which provider types are eligible for reimbursement if the provider is enrolled as a Medical Assistance Program provider. We believe that was the intent of the amendments. The new proposed regulation potentially adds a new requirement that providers who seek reimbursement for services rendered via telehealth may do so if the provider's professional licensing board includes telehealth within the scope of practice for the provider. The state has recently developed policies addressing the use of telehealth within a few of the licensing Boards, but that is limited. By adopting the proposed amendments, it is our belief that fewer providers would be eligible to seek reimbursement. Scope of practice rules should be used to govern licensing, provide patient safe-guards and allow for disciplinary actions of providers if needed, not for the use of determining reimbursement.

We were pleased to see amendments that eliminate restrictions on the type of location that is qualified to be an originating and distant site, as well as lessening the administrative burden of requiring registration as a telehealth location. We are concerned that a distant site provider is allowed only to provide telehealth services if included in the scope of practice likely to have a negative impact on programs that use a variety of providers. For example, we have members who provide several telepsychology therapy services with targeted populations. Many of the patients and families cannot get to a registered site on a weekly basis, which leaves

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communicating with them in their home as the only viable option. MHA would ask the state to consider approving sites that patients are located where services can be appropriately delivered that may a variety of setting such as a home-setting.

Lastly, MHA would request the Department reconsider eliminating the payment of originating site transmission fees. Given the low reimbursement rates for such services and the investment of technology by healthcare practices, the fee provides stability and can offset the front-end investments needed to start telehealth programs. Initial feedback from our rural members and stand-alone community hospitals share that eliminating this fee may impact sustainability of telehealth programs.

We appreciate the department's consideration of our comments. Ensuring Marylanders receive the right care, at the right time, and in the right setting is critical to transform care; Broad use of telehealth services is key to knocking down barriers to that care. The proposed regulations will help us take an important step in expanding access to essential health care services and assist in meeting goals of the new Maryland Total Cost of Care Model. We look forward to a continued partnership with the state on these goals.

Respectfully,



Jennifer Witten
Vice President of Government Affairs

Cc: Dennis Shader, Chief Operating Officer and Medicaid Director
Webster Ye, Director, Office of Governmental Affairs
Tricia Roddy, Director, Planning Administration