



Maryland  
Hospital Association

December 26, 2018

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

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 and express our strong support for the proposal to amend regulations under COMAR 10.32.05 Telehealth, as published in Volume 45, Issue 24 of the Maryland Register (November 26, 2018). We commend the Maryland Board of Physicians for developing an open and transparent process to revise the regulations, and we are grateful that the Maryland Department of Health (MDH) supports the board's efforts to finalize the regulations.

In recent years, there has been increasing interest in telehealth as a tool to address physician shortages, expand access to behavioral health services, and improve provider efficiencies. The traditional method health care delivery is dependent upon a physician, physician assistant, or other health care providers to provide in-person care in real time, but telehealth opens the door to new delivery models that extend the reach of the provider to deliver care where and when patients need it. The new Maryland Total Cost of Care Model encourages unique approaches to providing care to patients in the community and improving population health.

Hospitals have made significant investments in innovative telehealth projects, and they hope to build on these efforts to reach some of the most underserved areas of the state. However, there are some limitations in the ability to serve patients using telehealth due to some of the restrictions in the existing board scope of practice regulations. The proposed updates to the board's telehealth regulations address this and other issues and will help to spur further development and expansion of telehealth throughout the state — especially in rural and high need communities.

The board began updating their telehealth regulations more than a year ago. During that time, staff convened several meetings and calls with stakeholders, including community-based providers, hospitals, individual clinicians, provider trade associations, national telehealth organizations, and many other interested parties. The board solicited comments on each draft and revised the proposal several times in response to stakeholder input. Ultimately, the board's diligence and thoughtfulness throughout this process helped them produce a quality product, which has broad stakeholder support.

Jake Whitaker

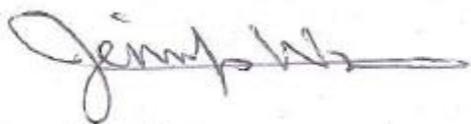
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Our members are especially pleased that the board's proposal authorizes physician assistants (PAs) – and other allied health professionals – to deliver telehealth. In Maryland, we are fortunate that the Medicaid program covers a range of in-person clinical services provided by PAs. This is important given the state's physician shortage. However, under the board's existing regulations, allied health professionals, including PAs, cannot provide that same care via telehealth even if it is within their scope of practices. Expanding telehealth to include services delivered by allied health professionals will give us the bandwidth to further develop our telehealth programs to improve access to primary and specialty care. It will also help to reduce costs to the health care system, including the Maryland Medical Assistance Program, because PAs are reimbursed at a lower rate than physicians. It is important to note that these regulations would still require all providers – allied health professionals and physicians – to operate within their respective scope of practices. This is a key safeguard, and we commend the board for including this requirement in these regulations.

Additionally, the proposed amendments help to clarify and streamline the board's existing telehealth requirements. These requirements are applied broadly across all types of telehealth, which helps reduce the burden on providers and hospitals to comply with separate sets of requirements depending on the type of technology being used. Further, these regulations contain several important consumer protections that ensure providers obtain the necessary patient consent before providing telehealth and that they are appropriately documenting telehealth encounters.

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 Maryland Total Cost of Care Model. We support the department in moving forward with the adoption of the regulations.

Respectfully,

A handwritten signature in black ink, appearing to read "Jennifer Witten", with a long horizontal flourish extending to the right.

Jennifer Witten  
Vice President of Government Affairs

cc: Christine Farrelly, Executive Director, Maryland Board of Physicians  
Webster Ye, Deputy Chief of Staff, Maryland Department of Health  
The Honorable Robert Neall, Secretary of Health