



telemedicine

Overview



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MEDICINE

What is Telemedicine?

In 2019, the definition of “telemedicine” was expanded in Maryland to “telehealth”, and currently allows both Maryland licensed **physicians** and **Maryland “allied health practitioners”** to provide healthcare services virtually. Specifically,

“Telehealth” means the use of interactive audio, video, audio-visual, or other telecommunications or electronic technology by a Maryland licensed physician or licensed allied health practitioner to deliver clinical services within the scope of practice of the Maryland licensed physician or licensed allied health practitioner at a location other than the location of the patient. Further, by Governor’s Order during the COVID crisis, telehealth services also include telephone visits.

Note that the practice of telehealth in Maryland includes both provider-to-patient and provider-to-provider interactions. The practice of telehealth in Maryland does not include:

- E-mail messages
- Facsimile transmissions

How is Telehealth Delivered?

Telehealth services can be delivered in a variety of ways, including via:

- Interactive audio (during the COVID crisis)
- Interactive audio-video
- Store and forward
- Remote patient monitoring
- Remote interpretive services

Who May Practice Telehealth?

Assuming proper Maryland licensure, the following professionals may provide telehealth services to patients in Maryland within the scope of their licensure:

- Physicians;
- Respiratory Care Practitioners;
- Radiation Oncology/Therapy, Medical Radiation and Nuclear Medicine Technologists;
- Polysomnographic technologists;
- Athletic Trainers;
- Perfusionists;
- Naturopathic Doctors;
- Physician-Assistants;
- Audiologists, hearing aid dispensers, speech-language pathologists;

Who May Practice Telehealth?

(Continued from previous slide):

- Counselors regulated under COMAR 10.58.06.00 et seq. (e.g., alcohol and drug counselors, marriage and family therapists, etc.)
- Psychologists, CRNPs trained in psychiatric mental health, APNs trained in psychiatric mental health;
- Occupational Therapists;
- Dieticians;
- Nurses (RNs, LPNs);
- Advanced Practice Registered Nurses (nurse psychotherapists, certified nurse midwives, certified registered nurse anesthetist, nurse practitioners and clinical nurse specialists)
- Social workers, including LCSWs

Who May Practice Telehealth?

Generally, telehealth services may only be provided by a Maryland licensed physician/allied health practitioner if the patient receiving telehealth services is located in Maryland, or if the Maryland licensed provider is also licensed in the state in which the patient is located.

- Out-of-state physicians must be licensed in Maryland in order to provide telemedicine services to patients here.
 - Maryland recently signed on to the Interstate Medical Licensure Compact which helps to expedite medical licensing across state lines.
 - During the COVID crisis only, most out-of-state providers may follow their Maryland patients via telehealth pursuant to an Order of Governor Hogan.
 - Many other states have also lifted licensure restrictions during the COVID crisis, but the waivers vary greatly from state to state.

Who May Practice Telehealth?

- Exceptions for provider-to-provider communications exist in many states, although they aren't specifically addressed in Maryland other than in the Medicaid context.
 - Pathology and radiology reviews are often limited/fall outside of any peer-to-peer consultation exception in other states, so could require physician licensure in the state of the patient.

Telehealth Practice Requirements



Prior to providing telehealth services, a provider must obtain oral or written acknowledgement from a patient to perform telehealth services

- For compliance reasons, JHM providers engaging in telehealth are strongly encouraged to obtain written acknowledgment, however, during the COVID crisis and because MyChart access is not universal, oral acknowledgement is acceptable
- A written acknowledgment form has been developed by the Tele-Legal Working Group and is currently in use across JHM. Smart phrases have also been programmed into Epic to record oral acknowledgements easily.

A provider must also, prior to providing telehealth services:

- Verify the identification of the patient
- Use appropriate technology to ensure encryption and privacy (e.g., no iPhone usage for telemedicine, except that non-HIPAA compliant platforms may be used during COVID pursuant to a federal waiver)
- Establish safety protocols in case of emergency
- Notify the patient of all individuals in the room during the telehealth visit

Additional Information/Questions



Telemedicine/telehealth laws vary from state to state so no assumptions should be made about what is permissible outside of Maryland in terms of telehealth practice.

However, information about waivers that are applicable during the COVID crisis may be found here: <https://intranet.insidehopkinsmedicine.org/telemedicine/docs/frequently-asked-questions-regarding-telemedicine-during-covid-19-crisis.pdf>

Questions may be emailed to the Office of Telemedicine (Rebecca Canino and Brian Hasselfeld or to TelemedicineLegal@jhmi.edu