



## MARYLAND

What is the definition of “telemedicine” or “telehealth”?

**Updated link:** [MD. CODE REGS. 10.32.05.02.](#)

What is the definition of “telemental,” “telemental,” and “telepsychiatry”?

According to Maryland’s mental hygiene statute, “telemental health” is defined as “the delivery of mental health care at a distance through the use of technology-assisted communication.”

[MD. CODE REGS. 10.21.30.02.](#)

## PSYCHIATRISTS

What is the regulatory body in the state that governs the practice of psychiatry?

**Updated link:** [Maryland Board of Physicians](#)

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

None identified.

However, a license issued by the Maryland Board of Physicians is generally required to practice as a psychiatrist in Maryland: “An individual shall be a licensed Maryland physician in order to practice telemedicine if one or both of the following occurs: (A) the individual practicing telemedicine is physically located in Maryland; (B) the patient is in Maryland.”

[MD. CODE REGS. 10.32.05.03.](#)

What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

None identified.

However, “[i]f a physician-patient relationship does not include prior in-person, face-to-face interaction with a patient, the physician shall incorporate real-time auditory communications or real-time visual and auditory communications to allow a free exchange of information between the patient and the physician performing the patient evaluation.”



## MARYLAND

[MD. CODE REGS. 10.32.05.05.](#)

### PSYCHOLOGISTS

What is the regulatory body in the state that governs the practice of psychology?

**Updated link:** [Maryland Board of Psychology Examiners](#)

What are the restrictions on the scope of practice for psychologists practicing via telemedicine/telehealth?

None identified.

However, in order to be a participating provider in the Maryland Medical Assistance Program, a provider shall:

“(1) Except when the originating site is not a Medicaid payable provider, be enrolled as a Medical Assistance Program provider on the date of the service is rendered;

(2) Except when the originating site is not a Medicaid payable provider, meet the requirements for participation in the Medical Assistance Program as set forth in:

(a) COMAR 10.09.36.02;

(b) COMAR 10.09.36.03; and

(c) The COMAR chapter defining the covered service being rendered;

(3) Register for participation in the Program;

(4) Engage in telehealth with a permitted telehealth provider registered with the Department, except when the originating site is not a Medicaid payable provider; and

(5) If a behavioral health service provider, be registered as a provider through the ASO on the date the service is rendered.”

[MD. CODE REGS. 10.09.49.07\(A\).](#)

“A service provided through telehealth is subject to the same program restrictions, preauthorizations, limitations, and coverage that exist for the service when provided in person.”

[MD. CODE REGS. 10.09.49.10\(A\).](#)



## MARYLAND

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

None identified.

However, “an eligible originating and distant site provider shall register with the Department before providing telehealth services.”

[MD. CODE REGS. 10.09.49.03.](#)

### PRIVACY/CONFIDENTIALITY

Are there privacy/confidentiality requirements specifically related to telemental/telebehavioral/telepsychiatric health services?

Yes.

Maryland’s medical practice regulations include standards related to the practice of telemedicine that require a physician to do the following:

- “Develop a procedure to verify the identification of the individual transmitting a communication;
- Develop a procedure to prevent access to data by unauthorized persons through password protection, encryption, or other means; and
- Develop a policy on how soon an individual can expect a response from the physician to questions or other requests included in transmissions.”

[MD. CODE REGS. 10.32.05.04\(A\)\(2\)-\(4\).](#)

Specific to psychologists, “[t]he originating and distant site providers:

- A. Shall comply with the laws and regulations concerning the privacy and security of protected health information under:
  - (1) Health-General Article, Title 4, Subtitle 3, Annotated Code of Maryland; and
  - (2) The Health Insurance Portability and Accountability Act of 1995 (HIPAA), 42 U.S.C. §§ 1320d et seq., as amended, the HITECH Act, 42 U.S.C. §§ 17932, et seq., as amended, and 45 CFR Parts 160 and 164, as amended;



## MARYLAND

- B. Shall ensure that all interactive video technology-assisted communication comply with HIPAA patient privacy and security regulations at the originating site, at the distance site, and in the transmission process;
- C. May not disseminate any participant images or information to other entities without the participant's consent, unless there is an emergency that prevents obtaining consent; and
- D. May not store at originating and distant sites the video images or audio portion of the telehealth service for future use."

[MD. CODE REGS. 10.09.49.09.](#)

### COVERAGE & REIMBURSEMENT

Does the state have a parity statute in place mandating coverage by private insurers for telemedicine/telehealth services (including telemental/telebehavioral/telepsychiatric health services) on par with those provided in face-to-face/in-person encounters?

**Updated link:** [MD. CODE ANN., INS. § 15-139.](#)

Are there provisions requiring certain reimbursement levels/amounts for telemedicine/telehealth services (including telemental/telebehavioral/telepsychiatric health services)?

**Updated link and citation:** [MD. CODE ANN., INS. § 15-139\(c\)\(2\).](#)