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## TELEHEALTH IN MARYLAND

On October 1, 2012, Maryland became the 13th state to require private sector insurance companies to pay for telehealth services in mandating that private payers cover telehealth services that are considered medically necessary and would otherwise be covered when provided face-to-face.

Maryland's law defines telemedicine (or telehealth) as "interactive audio, video or other telecommunications or electronic technology... to deliver a health care service." As such, the law does not apply to audio-only phone conversations, email messages or faxes between providers and patients.

The law requires that health insurers and managed care organizations (MCOs) provide coverage for health care services provided appropriately using telehealth technology, and that coverage cannot be denied because services were provided through telehealth rather than in-person. Insurers are not required to cover telehealth services if the health services would not be a covered benefit even if provided in person, or if the provider is out-of-network.

### MD State Law Telemedicine/Telehealth Definition:

"Telehealth means the use of telecommunications and information technologies for the exchange of information from one site to another, for the provision of health care to an individual from a provider through hardwire or Internet connection."

(Source: MD Health Occupations Annotated Sec. 2-101)

Telemedicine means, as it relates to the delivery of health care services, the use of interactive audio, video, or other telecommunications or electronic technology:

By a health care provider to deliver a health care service that is within the scope of practice of the health care provider at a site other than the site at which the patient is located; and  
That enables the patient to see and interact with the health care provider at the time the health care service is provided to the patient.

(Source: Health General Code 15-105.2)

Services by electronic means, including but not limited to telephone communication, the Internet, facsimile machines, and e-mail is considered telemedicine by the State of Maryland (see above). Thus, telemedicine is broadly defined as the use of information technology to deliver medical services and information from one location to another. If you and I chose to use information technology for some or all of your treatment, you need to understand that:

1. You retain the option to withhold or withdraw consent at any time without affecting the right to future care or treatment or risking the loss or withdrawal of any program benefits to which you would otherwise be entitled.
2. All existing confidentiality protections are equally applicable.
3. Your access to all medical information transmitted during a telemedicine consultation is guaranteed, and copies of this information are available for a reasonable fee.
4. Dissemination of any of your identifiable images or information from the telemedicine interaction to researchers or other entities shall not occur without your consent.
5. There are potential risks, consequences, and benefits of telemedicine. Potential benefits include, but are not limited to improved communication capabilities, providing convenient access to up-to-date information, consultations, support, reduced costs, improved quality, change in the conditions of practice, improved access to therapy, better continuity of care, and reduction of lost work time and travel costs. Effective therapy is often facilitated when the therapist gathers within a session or a series of sessions, a multitude of observations, information, and experiences about the client. Therapists may make clinical assessments, diagnosis, and interventions based not only on direct verbal or auditory communications, written reports, and third person consultations, but also from direct visual and olfactory observations, information, and experiences.

Risks may include, but are not limited to:

1. Lack of reimbursement by your insurance company
2. The technology dropping due to internet connections
3. Delays due to connections or other technologies
4. A breach of information that is beyond our control

Clinical risks will be discussed in more detail when we speak about telehealth, but may include:

1. Discomfort with virtual face-to-face versus in-person treatment,
2. Difficulties interpreting non-verbal communication, and
3. Limited access to immediate resources if risk of self-harm or harm to others becomes apparent.

Again, I will discuss the specifics of telehealth with you prior to proceeding with using technology as a resource and format for your psychotherapy.